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CANADA



# Debates of the Senate

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• 38th PARLIAMENT

• VOLUME 142

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OFFICIAL REPORT  
(HANSARD)

**Monday, March 7, 2005**

—  
**THE HONOURABLE DANIEL HAYS  
SPEAKER**

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.



## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Monday, March 7, 2005

The Senate met at 8 p.m., the Speaker in the chair.

Prayers.

### ROYAL CANADIAN MOUNTED POLICE

#### TRIBUTES TO SLAIN CONSTABLES

**The Hon. the Speaker:** Honourable senators, before we proceed with further business, I would ask honourable senators to rise and observe a minute of silence in memory of the four slain RCMP constables, Anthony Gordon, Lionide Johnston, Brock Myrol and Peter Schiemann, whose deaths occurred on March 3, 2005, in Mayerthorpe, Alberta.

*Honourable senators then stood in silent tribute.*

**Hon. Jack Austin (Leader of the Government):** Honourable senators, on March 3, 2005, a senseless tragedy took the lives of four members of the Royal Canadian Mounted Police in Mayerthorpe, Alberta. They were Constable Peter Christopher Schiemann, Constable Anthony Fitzgerald Orion Gordon, Constable Lionide Nicholas Johnston and Constable Brock Warren Myrol. Canadians are proud of the Mounties, as they are familiarly known. They are part of our history and our heritage, particularly in Western Canada where their fame was established.

In times of loss such as this, we remember again that RCMP officers are called every day to ensure the safety of our society, and to risk their lives — a commitment that will never be required from most of us. We honour the duty to public service that brought these four men into the RCMP. We deeply regret the cost they have paid. A national memorial service will take place on Thursday in Edmonton as testament to the impact of this loss on our country and those who personally knew and cared for these men. I know that some honourable senators will attend on behalf of the Senate. At this time I would like to extend our most sincere condolences to the friends and families of these four officers.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, my colleagues and I join with all Canadians in expressing sympathy and sorrow to the families of the four young RCMP officers whose lives were cut short on March 3. They were simply going about their jobs in an ordinary rural area, fulfilling the motto of the Royal Canadian Mounted Police: “Maintiens le droit.” It is a motto that is a quiet understatement, in typical Canadian fashion, of the work of the police. It is a statement that does not focus on the risks inherent in a task critical to the proper functioning of our country. Our police officers do put their lives on the line every day, a fact that is sometimes overlooked in the course of daily life. We owe a continuing debt of gratitude to each and every one of these officers.

Perhaps it is because Canada is a relatively peaceful nation, and because the Royal Canadian Mounted Police and other police forces do their work so well that it is such a jolt to our collective conscience each time we lose one of those who are truly everyday heroes. Losing four in one incident is almost unthinkable. It is no consolation that this was the single deadliest incident for the RCMP in 120 years.

We will not forget the tragic loss of Constables Lionide Nicholas Johnston, Brock Warren Myrol, Anthony Fitzgerald Orion Gordon and Peter Christopher Schiemann — four caring young men who were proud to serve their community and their country as officers in the Royal Canadian Mounted Police.

## SENATORS' STATEMENTS

### SPECIAL OLYMPICS WORLD WINTER GAMES 2005

#### CONGRATULATIONS TO CANADIAN ATHLETES

**Hon. Catherine S. Callbeck:** Honourable senators, the 2005 Special Olympics World Winter Games took place in Nagano, Japan, from February 26 to March 5. Team Canada took home a total of 84 medals: 40 gold, 29 silver and 15 bronze. More than 1,900 athletes representing over 80 countries participated in the winter Special Olympics. Team Canada was represented by 72 athletes who competed in six sports. They were accompanied by 17 coaches and nine mission staff.

Special Olympics is a program of sport training and competition for individuals with intellectual disabilities. The mission of Special Olympics is to enrich the lives of people with intellectual disabilities through sport as they learn those skills and acquire new abilities.

For the first time in history, a Canadian team had representation by more than one athlete from Prince Edward Island. Michael Morris, from Stratford, and Rose MacDonald, from Morell, both competed in cross-country skiing for Canada. Mr. Morris won silver in the 500-metre race; Ms. MacDonald won gold in the 500-metre race and bronze in the one-kilometre event. Ms. MacDonald has been with Sport Olympics PEI for the past 17 years and Mr. Morris has been with the organization for the past 5 years. Both were chosen Special Olympics PEI athletes for the year in early February. I congratulate Michael Morris and Rose MacDonald and the other Canadian athletes for their success at Nagano.

• (2010)

### CANADA-UNITED STATES RELATIONS

**Hon. Gerry St. Germain:** Honourable senators, I rise today to alert Canadians to the actions of the current government that will forever alter a long and fruitful relationship that we have had with our neighbours to the south. I alert my fellow citizens to the



serious deterioration in Canada-U.S. relations that was precipitated by the previous Prime Minister, and which has now been totally jeopardized by the recent words and actions of the current Prime Minister.

Rarely in the history of a long and mutually dependent relationship have relations between Canada and the U.S. been so strained. They are strained by the negligence and lack of real leadership displayed by our Prime Minister. Rarely in the history of our country has so much been at stake, and yet so much ignored. Rarely have we seen such a despicable display of petty politics masked as serious diplomacy. The manner in which Canada has handled a matter of grave public policy — the matter of our country's participation in the continued defence of the Western world — will forever be a black mark on our relations with the U.S.

Honourable senators, Canadians will be the losers in so many ways. Why? Simply because an arrogant Liberal government is in search of an issue to define their drifting government. We have come to the brink in our relationship with our strongest allies and largest trading partner simply because of a small-minded, highly partisan, almost childish approach to unilateral diplomacy. This is all directed by the misguided Prime Minister, who is unable to see that Canada has nothing to gain and everything to lose in not participating in the North American missile defence system.

What assumptions are the Prime Minister and his colleagues relying upon to take this miscalculated risk, honourable senators? Are they the same assumptions and stereotypes that have influenced the Chirac government in France, the favourite destination of Minister Pettigrew, who knows little beyond the street names in Paris?

Honourable senators, I want to quote a prominent Canadian who speaks very eloquently about our relationship with the United States. This person is in a position to observe America through an interesting lens. I quote:

It is hard for us to imagine, given the well-entrenched stereotypes, that the all-powerful Americans — the superpower — can feel vulnerable, alone or hurt and misunderstood. But they do.

Those are the sage words of Pamela Wallin, Canada's Consul General in New York.

After the Prime Minister's announcement last week, Americans have every right to feel hurt about the way Canada's government has treated them. They have every right to feel misunderstood.

My fear, honourable senators, is that our American friends will misunderstand Canadians. My fear is that they will mistake the lunacy that is masked as Canadian public policy as representing the true sentiments of their friends, relatives, business partners and neighbours to the north.

We have many ties that bind us as Americans and Canadians. We must stop this destructive government from gnawing at those ties in a desperate attempt to feed their political contempt for a government that stands up for itself.

Honourable senators, we have entered a dark era in Canada-U.S. relations, but I want to let our American friends know that many of us carry that candle of hope — that eternal flame, that light that will burn ever brighter.

## NOVA SCOTIA ARTS AND CULTURAL COMMUNITY

**Hon. Donald H. Oliver:** Honourable senators, tonight I rise to speak about an economic sector in Nova Scotia that makes an immense contribution to the vibrance of my province's economy. I am referring to Nova Scotia's arts and cultural community. The direct and indirect impact of the arts and culture sector in Nova Scotia, as measured by its contribution to the province's GDP, was estimated at \$1.2 billion in 2003. This includes approximately 28,000 direct and indirect jobs that depend on arts and cultural activities.

Every year, honourable senators, Nova Scotia welcomes the world to a dizzying array of cultural and performing arts celebrations. In 2004, Nova Scotia was host to more than 800 festivals and events throughout the province.

One example is the Celtic Colours International Festival. Every year, more than 300 artists from all over the Celtic world — including Scotland, Ireland, the United States and Canada — perform at over 30 venues around Cape Breton Island. In 2004, the festival was recognized by the American Bus Association as:

...one of the top musical festivals in Canada.

Countless other arts organizations enrich Nova Scotia on a daily basis. The Art Gallery of Nova Scotia dates back to 1908, and it is Atlantic Canada's largest art museum. The gallery's collection comprises over 10,000 works, including paintings, textiles, ceramics and sculptures. Led by chief curator Jeffrey Spalding, the Art Gallery of Nova Scotia aims to bring the art of the world to Nova Scotia, and the art of Nova Scotia to the world.

Nova Scotia also possesses one of the most versatile, talented and successful professional orchestras in Canada. Symphony Nova Scotia is the largest cultural sector employer in Nova Scotia, with an active volunteer base of over 100 music lovers, and is host to more than 14,000 school children annually. Music director Bernhard Gueller and 37 core musicians perform over 50 concerts to more than 75,000 people every year.

Honourable senators, in 2003-2004, the Canadian Council for the Arts recognized Nova Scotia's rich and dynamic arts and cultural community by awarding more than \$4 million in funding to provincial artists and organizations. I wish to congratulate all those who contribute daily to making my province of Nova Scotia one of the most artistically diverse and creative provinces in Canada.



## ROUTINE PROCEEDINGS

### THE ESTIMATES, 2004-05

#### SUPPLEMENTARY ESTIMATES (B) TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, pursuant to rule 28(3), I have the honour to table, in both official languages, two copies of the Supplementary Estimates (B), 2004-05, for the fiscal year ending March 31, 2005.

### THE ESTIMATES, 2005-06

#### TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, pursuant to rule 28(3), I have the honour to table, in both official languages, two copies of the 2005-06 Estimates, Parts I and II, the government expense plan and Main Estimates.

## STATISTICS ACT

### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Wilbert J. Keon**, for Senator Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Monday, March 7, 2005

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### EIGHTH REPORT

Your Committee, to which was referred Bill S-18, An Act to amend the Statistics Act has, in obedience to the Order of Reference of Wednesday, February 2, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MICHAEL KIRBY  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Keon, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### THE ESTIMATES, 2004-05

#### NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (B)

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, later this day, with leave of the Senate and notwithstanding rule 58(1)(f), I will move

that the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2005.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

### THE ESTIMATES, 2005-06

#### NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, later this day, with leave of the Senate and notwithstanding rule 58(1)(f), I will move that the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2006, with the exception of Parliament vote 10.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

### THE ESTIMATES, 2005-06

#### NOTICE OF MOTION TO REFER STANDING VOTE 10 TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, later this day, with leave of the Senate and notwithstanding rule 58(1)(f), I will move that the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2006, and that a message be sent to the House of Commons to acquaint that House accordingly.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

• (2020)

[Translation]

### BUDGET IMPLEMENTATION BILL, 2004, NO. 2

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-33, to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, bill placed on the Orders of the Day for second reading two days hence.

[English]

## FINANCIAL ADMINISTRATION ACT CANADA SCHOOL OF PUBLIC SERVICE ACT OFFICIAL LANGUAGES ACT

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-8, to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

## QUESTION PERIOD

### FOREIGN AFFAIRS

#### CANADA-UNITED STATES RELATIONS— COMMENTS BY MINISTER

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, on Friday last, the Foreign Affairs Minister, Pierre Pettigrew, appeared on CBC's program *Politics* with Don Newman, and for fear that I did not hear accurately what I thought I had heard, I sent for and received a transcript of the program. Newman was questioning the minister on anti-American sentiments surrounding the issue of ballistic missile defence that emerged during the Liberal Party convention in Ottawa this past weekend. Mr. Newman stated:

...when they talked about anti-missile defence, there was a lot of anti-American talk.

Newman later asked the minister:

Were you trying to contain it to that small room?

Then Minister Pettigrew responded:

One of our views as well was that it was not good to hear it in Parliament, either.

Clearly, honourable senators, we must ask the Leader of the Government in the Senate whether he agrees with Minister Pettigrew's statement. Is it now the government's policy to exclude Parliament from debating matters such as this?

Second, were we to adopt a motion in this house to have a debate on missile defence, it would of course be conducted in Parliament. With respect to the Minister of Foreign Affairs' statement that it would "not be good to hear it in Parliament either," what is government policy?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am not familiar with the program or the transcript to which Senator Kinsella refers, but we had an exchange just before we adjourned the week before last on the question of the parliamentary debate on ballistic missile defence. Senator Kinsella will remember my answer that the premise of the debate was the supposition that Canada might enter into an agreement on ballistic missile defence, and as we have not done so but maintained our current policy, that debate seems moot.

That was my answer the week before last. That is my answer today.

On the question of anti-American sentiment, this government does not have an anti-American sentiment. This government has as its policy the development of the closest and most supportive and productive relationship with the United States consistent with Canadian interest and Canadian sovereignty.

While I am on my feet, I noted with great interest the rhetoric of Senator St. Germain during Senators' Statements today, and I want to tell him that I know he knows what the word means. I want to tell him that aided by *The Vancouver Sun's* editorial on Friday, March 4, 2005, under the headline, "It's business as usual for the U.S. and Canada, never mind the rhetoric," the point made in the editorial is correct. At no time, from the relationship of Prime Minister Diefenbaker with President John F. Kennedy, which was not noted to be a close and warm one, through to this current time, has the development of the two-way flow of business been impaired. In fact, during Mr. Trudeau's time, in the years —

**Senator Stratton:** We do not need a history lesson. We need a succinct answer.

**Senator Austin:** In the years 1970 to 1980, Canadian exports to the U.S. soared by 343 per cent. Under all governments, Canadian exports have expanded.

Honourable senators, I am aware from the Prime Minister's statement on the weekend that the governments of Canada and the United States have agreed to have a different view with respect to Canada's participation in ballistic missile defence and are moving on with an agenda related to other aspects of Canada-U.S. relations.

The Prime Minister will be meeting with the President on March 23 to discuss NAFTA border issues and other questions of North American interest. That meeting will include, of course, President Vicente Fox of Mexico, and President Bush.



## THE SENATE

UNITED STATES—MISSILE DEFENCE PROGRAM—  
COMMENTS BY CHAIRMAN OF NATIONAL  
SECURITY AND DEFENCE COMMITTEE

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, taking the answer that we received from the minister in the Senate, we can assume that he dissociates himself from the views of the Minister of Foreign Affairs, who thinks there are certain things that Parliament ought not to debate, or that should not be heard in Parliament.

Had the Chair of the Standing Senate Committee on National Security and Defence been here, I would have posed my next question to him. As we know, the Senate has authorized that committee to hold important hearings outside of Ottawa. I wonder whether the minister has read the letter that was published in some newspapers by the chairman of that committee, a letter in which, if I read it correctly, he seems to think that it would have been a good thing for Canada to have signed on to the missile defence treaty. Does the minister agree with the Chairman of the Standing Senate Committee on National Security and Defence or does he disagree?

• (2030)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, of course each senator has the right, the privilege and the duty to give his or her best judgment to every issue of public policy.

I noticed also that Senator Kenny, in an article in the *Ottawa Citizen* on March 1, 2005, laid a great deal of blame at the door of Stephen Harper, who is the Leader of the Official Opposition in the other place. Senator Kenny said, in effect, that the main reason was that Stephen Harper “decided to sell out his beliefs and values for a mess of pottage in Quebec.” I will not read the whole article — I am sure it is familiar to the other side — but the opportunism of the Leader of the Opposition in the other place is described in detail in this particular article.

## CANADA-UNITED STATES RELATIONS

MISSILE DEFENCE PROGRAM—EFFECT  
OF NON-PARTICIPATION ON BUSINESS COMMUNITY

**Hon. Gerry St. Germain:** Honourable senators, today, if I read correctly, eighty-five per cent of Canada’s CEOs state that the decision on ballistic missile defence is the wrong one.

**An Hon. Senator:** It was the right decision.

**Senator St. Germain:** Your going down to Washington may have caused us some real problems. However, that is okay; we will get over that.

My question for the Leader of the Government in the Senate is this: Does he not take seriously the views of the leaders of our business community? Who will be affected more than them, more than their organizations? They talk about loss of jobs, about jeopardizing trade, which was built up so adeptly by Prime Minister Mulroney — of the Conservative Party.

Honourable senators, my question deserves a straight answer. Eighty-five per cent of Canada’s CEOs say that this decision has caused grave damage to our relationship with the U.S. That is not rhetoric; that is a quotation.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I say to Senator St. Germain that it is always natural in the business community to be concerned with change and with uncertainty. As I have pointed out to honourable senators, the statistics as far back as Prime Minister Diefenbaker indicate that the Canadian business relationship with the United States has continued to expand dramatically regardless of policy differences on non-economic and commercial issues.

## THE SENATE

UNITED STATES—MISSILE DEFENCE PROGRAM—  
COMMENTS BY CHAIRMAN OF NATIONAL  
SECURITY AND DEFENCE COMMITTEE

**Hon. Noël A. Kinsella (Leader of the Opposition):** I wonder whether the government leader can explain Senator Kenny’s statement as Chairman of the Standing Senate Committee on National Security and Defence. The committee is composed of nine honourable senators, six of whom come from the government side. Was Senator Kenny speaking on behalf of the entire committee, or just the six Liberals on the committee? I can find no resolution in the minutes of that committee to indicate to me where he had authorization from the committee to express a view, notwithstanding what the view was.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, any senator, as I have said in answer to the previous question from Senator Kinsella, is free, privileged and entitled to state his or her opinion about any issue of public policy. I am not aware that Senator Kenny was speaking for anyone but himself. The material that I have seen only had his by line.

Senator Kenny, as honourable senators know, is an advocate for a much stronger military. The committee has done yeoman service — and I believe this is the view of all members of this chamber — in pointing out the capacities, or lack thereof, in certain aspects of the Canadian military to do its task. Honourable senators are aware that the Security and Defence Committee is now studying defence policy.

**Senator Stratton:** Answer the question instead of giving a history.

**Senator Austin:** I do not answer to you, Senator Stratton; I answer to the entire chamber. The honourable senator should propose a motion changing the rules of the Question Period, if he wishes to do that.

Honourable senators, I was asked a question by Senator Kinsella. Senator Stratton should have the good grace to let me answer it.

**The Hon. the Speaker:** Order, please. Senator Austin.

**Senator Stratton:** If that is the case, I would ask the leader to be more precise with respect to the question.

**Senator Austin:** I have the floor, honourable senators. Senator Stratton can rise on a false point of order, if he wishes, after I finish speaking.

**The Hon. the Speaker:** Honourable senators, I am having difficulty hearing the questions and answers. I would ask honourable senators to respect the senator standing at any given point in time in our Question Period, so that myself as well as other honourable senators are better able to follow the exchange.

**Senator Austin:** Honourable senators, to finish my answer, which I hope is a useful one to the opposition side, on the question of the work of the committee, I was making positive reference to it. Apparently, Senator Stratton does not want me to do that. I should like to conclude by saying that the government has listened to the representations of the Senate and the committee by providing an additional \$13 billion to National Defence.

### FOREIGN AFFAIRS

#### UNITED STATES—MISSILE DEFENCE PROGRAM— NOTICE OF NON-PARTICIPATION

**Hon. Gerry St. Germain:** My question relates to the way that the United States was notified of the Canadian government's decision respecting ballistic missile defence. My understanding is that the Minister of Foreign Affairs, Mr. Pettigrew, advised his counterpart, Ms. Rice, that the Canadian government would not participate in this particular scenario. Since then, there is information out there that President Bush has not returned telephone calls. He has now, but it took 9 or 10 days.

In his visit to Ottawa, President Bush apparently raised the ballistic missile defence issue with Prime Minister Martin. Would it not have been proper procedure for the Prime Minister to at least advise the President of the decision of the country on something that goes right to the very core of our sovereignty?

I concur with Ambassador Cellucci, that Canada has put into jeopardy its sovereignty by virtue of not wanting to be at the table.

Could the Leader of the Government in the Senate respond to why the Minister of Foreign Affairs, instead of the Prime Minister himself, relayed the message on BMD, especially since the President raised the subject with Prime Minister Martin at the late fall meeting in Ottawa?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the normal form of communication of government policy is between the Minister of Foreign Affairs and the Secretary of State. These are the two cabinet-level officers who deal with communications in that particular area.

I have not heard of any complaint by the United States, and the Prime Minister said on the weekend that he had had no complaint from the President with respect to the question of notice.

• (2040)

### INTERNATIONAL TRADE

#### UNITED STATES—BOVINE SPONGIFORM ENCEPHALOPATHY—OPENING OF BORDER TO BEEF EXPORTS—COURT INJUNCTION

**Hon. Gerry St. Germain:** Honourable senators, my question is for the Leader of the Government. The recent U.S. court injunction blocking the planned resumption of trade of younger cattle from Canada to the U.S. is extremely bad news. I foresaw this, unfortunately. I wish I had not even thought of it because this is such a terrible situation.

Clearly this matter should be on the top priority for the Prime Minister at this time. Could the leader please inform this chamber if the Prime Minister has spoken directly to President Bush about this issue, with a view to offering Canada's full support and assistance for an appeal of the injunction by the U.S. Department of Agriculture? If so, could the leader give us a report on the contents of this communication and where it may be at the present moment?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the Prime Minister raised the matter of the temporary injunction issued by the U.S. District Court for the District of Montana regarding the United States Department of Agriculture's minimal-risk rule, and discussed it with the President. As honourable senators know, the Government of the United States, as represented by Agriculture Secretary Mike Johanns, has taken the position that the requirements of the minimal-risk rule in combination with the animal and public health measures already in place in the United States and Canada provide the utmost protection to both U.S. consumers and livestock. The United States also remains fully confident in the underlying risk assessment developed in accordance with the Office of Institutional Effectiveness guidelines, which determine Canada to be a minimal-risk region.

Secretary Johanns has expressed disappointment in the U.S. court ruling to temporarily delay the implementation of the U.S. Department of Agriculture's minimal-risk rule, which would establish trade with Canada for live cattle less than 30 months of age.

With respect to the second part of the question, honourable senators, Canada sought standing in the Montana court and was denied standing by the Montana judge.

**Senator St. Germain:** There is no question, and I firmly believe, that the government has done everything possible in this situation in regard to the beef problem itself. Then the Leader of the Government says that it is always natural that change and uncertainty make our top CEOs nervous. The leader just said that, and rightly so. The CEOs of the beef industry, the lumber industry and all these industries are looking at their respective situations from their own perspectives, whereas other CEOs are looking at these industries and asking when it will happen to them.



On the March 23 meeting in Texas between the leaders of Canada, Mexico and the U.S., which is still a few weeks away, there are already indications to the effect that the NAFTA irritants Mr. Martin wanted to address are being dropped from the agenda. I do not know how much truth there is to that, but I would like to find out what is being dropped from the agenda.

Furthermore, if the Prime Minister is having problems getting his calls returned by his American counterpart on a timely basis, this cannot be good for the beef industry either. Nine days seems like an awfully long time. I can remember sitting in Prime Minister Mulroney's office when the shake and shingle decision came down and he grabbed the phone and he called the President of the United States right there and then, in front of me. Senator Austin will recall that I had 90 per cent of that industry in my riding at the time as the Member of Parliament for Mission-Port Moody.

With Mr. Martin's struggles to achieve direct day-to-day communications with the President on a variety of issues, it is left to our freelancing ambassador to the U.S., who has come out and said that the decision on missile defence is based on cows and lumber. I am sure that has been very damaging to the relationship, as well as cabinet ministers like Andy Mitchell and Pierre Pettigrew who are doing a less than stellar job of filling the void communicating with the administration in Washington. I believe Mr. Mitchell has done a reasonably good job, but Mr. Pettigrew's work is really up for question.

Therefore I would like to know exactly how the government intends to resolve these problems if we are not receiving responses in a timely fashion from the President of the United States in regard to calls placed by the Prime Minister. Does the minister not agree that nine days, or whatever the lapse was from when he placed his call to when he received a return call, was an exceptionally long time?

**Senator Austin:** Honourable senators, I thank Senator St. Germain for his succinct question. I very much appreciate that in being succinct Senator Stratton did not want to call the honourable senator to account for the length of his question.

**Senator Stratton:** Try it once in a while.

**Senator Mercer:** Did you have that question cleared by the leadership, Gerry?

**Senator Austin:** I will provide the answer in this way, Senator St. Germain: The relationship between Canada and the United States with respect to BSE is a very cooperative one at the level of the two governments. Both governments have agreed on standards of risk and the Government of the United States has moved forward with its ruling which, as Senator St. Germain has said, has been temporarily set aside by a Federal Court judge in Montana.

The process in the United States requires the United States to desist while an injunction is outstanding. Senator St. Germain knows also, I am sure, that the U.S. Congress can set aside the U.S. Department of Agriculture ruling by majority votes in the two Houses. The President and his administration have made it clear that they will oppose the setting aside of the

U.S. Department of Agriculture ruling and are making serious efforts with the House of Representatives to prevent it from joining with the U.S. Senate in setting aside the ruling. If both Houses do not support the setting aside, then the ruling cannot be set aside and the ruling goes forward as laid down by the U.S. Department of Agriculture, subject of course to the courts.

The Secretary of Agriculture has made it clear the U.S. Department of Agriculture is working aggressively to deal with an appeal process, which they hope to bring on quickly, or to trial if that is the sooner of the two processes.

With respect to phone calls amongst leaders, honourable senators, that question has a false bottom. The relationship between the President and the Prime Minister is an excellent one. As I pointed out, the Prime Minister has been invited to join President George Bush and President Vicente Fox on March 23 for a discussion on a number of issues that are of common concern to the three leaders. Of course, one of those is the functioning of the NAFTA. There are other issues relating to the border. I do not have the full agenda, but I can assure Senator St. Germain that he should have every reason to support a close and effective dialogue between Canada and the United States, and take no joy from critics who have a political interest in causing a disruption in that relationship.

**Senator St. Germain:** I do not know who is taking any enjoyment out of this situation because, as the government leader knows, I have been in the industry and I am waiting to get back into the industry at the present time. Logically there is nothing definitive to cause one to make even a small investment in the cattle industry. No one is making light of the situation.

I am really concerned and the farm community is concerned about the U.S. Senate's position, and the President has a lot of influence in the Senate. The Republicans control the Senate. If there is an indication that the Senate will continue in the track that it has taken, we will need the full support of the President.

• (2050)

Does the Leader of the Government in the Senate think that we will get the full support of the President? Can he give us any information as to what transpired in the phone call? Was the meeting that is scheduled to take place in Texas not arranged before the decision on the ballistic missile defence program was announced?

**Senator Austin:** Honourable senators, the answer to the latter question is yes, and I have answered the previous questions. I thank Senator St. Germain for his support in building the best possible relationship between Canada and the United States.

## FOREIGN AFFAIRS

### RELEASE OF FOREIGN POLICY REVIEW PAPER

**Hon. A. Raynell Andreychuk:** Honourable senators, when will the foreign service policy review statement be released?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am tempted to say "in due course," but I hope that it will be released shortly.

**Senator Andreychuk:** Honourable senators, the last Prime Minister indicated that there needed to be a foreign policy review. Minister Gray embarked on that review by having round table discussions with some Canadians. Canadians were not fully engaged at that time, as they knew there would be a change of Prime Ministers and perhaps a change of perspective.

The present Prime Minister indicated that he would put a new look on foreign policy, and we have yet to see an indication of that. This situation has become critical. We do not know the direction of our foreign policy, yet we are making foreign policy decisions.

Are we to presume that the existing policy is the policy? How do we judge whether the decisions being made by the government are correct? They do not go against any policy guidelines set out by the government.

Even more critical, honourable senators, the foreign service community is in jeopardy. We do not know how the foreign service will be composed or what capacities are needed, yet Mr. Peter Harder is stating that he needs a rotational foreign service, that he intends to increase its ranks abroad, and that the foreign service will not have a monopoly on international affairs.

Does Mr. Harder speak for the government? Does he have an indication of where this government is going on foreign policy, or are these his personal views based on what is presently in existence?

**Senator Austin:** Honourable senators, there were so many questions in that set that you will forgive me if I cannot answer them all in one tranche.

There are many changing circumstances in the international community, but the Prime Minister and the government have made it clear that the objective of our foreign policy is to play a role in the world that contributes to peace and to the building of capacity to govern, to administer and to bring social and economic well-being to foreign communities in accordance with Canadian values. That will translate, in the policy document, into a series of proposed programs and a set of priorities and directions.

I would ask for the patience and indulgence of honourable senators for the rest of the answer. The government is having discussions among ministers and with officials. That process will, I hope, conclude soon.

As to the statements by Deputy Minister Peter Harder, Mr. Harder is a very senior and knowledgeable public servant. Those statements are statements for which he takes ownership. The policy itself will be disclosed soon, I hope.

**The Hon. the Speaker:** Honourable senators, I regret to advise that the time for Question Period has expired.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table four delayed answers. The first is a response to a question raised in the Senate on February 16, 2005 by Senator Tkachuk regarding Ernst Zundel.

[English]

I have two delayed answers to questions asked by Senator Forrestall on February 10, 2005, the first regarding the costs incurred in the selection process of Canada's new maritime helicopter and the second regarding the competency of the Sikorsky H-92.

I have the response to a question raised on February 16, 2005 by Senator Murray regarding new early learning and child care agreements in official language minority communities.

## IMMIGRATION AND CITIZENSHIP

### REFUGEE CLAIM BY MR. ERNST ZUNDEL

*(Response to question raised by Hon. David Tkachuk on February 16, 2005)*

On February 24, 2005, the Federal Court of Canada — Trial Division ruled that the evidence in support of the certificate conclusively established that Mr. Zundel represents a danger for the security of Canada and that the certificate signed by the Minister of Citizenship and Immigration and the Solicitor General of Canada is reasonable. The certificate now becomes an enforceable removal order.

Mr. Zundel filed a complaint with the United Nations Human Rights Committee in January 2005. However, the Committee refused to grant a request to defer removal pending review of his complaint. As such, on March 1, 2005, the Canada Border Services Agency removed Mr. Zundel from Canada.

### Approximate Litigation and Detention Costs

With regard to litigation involving Mr. Zundel, approximately 2,435 hours were expended by Department of Justice litigators and litigation staff in 2003.

Number of Employees	Position	Salary range	Hours spent on File
1	LA-3B	\$120,800 - \$147,800	3.5
1	LA-3A	\$110,300 - \$143,800	1288.5
1	LA-2B	\$94,535 - \$132,065	.33
3	LA-2A	\$72,335 - \$119,500	1015.41
2	LA-1A	\$52,200 - \$74,475	106.25
1	SI-2	\$44,705 - \$50,767	21.5



In 2004, the number of hours expended by litigation counsel and their staff was approximately 3,802 hours.

Number of Employees	Position	Salary range	Hours spent on File
1	LA-3A	\$110,300 - \$143,800	1752.92
2	LA-2A	\$72,335 - \$119,500	1500.44
3	LA-1A	\$52,2005 - \$74,475	302.4
1	SI-2	\$44,705 - \$50,767	246.5

Some of the numbers for 2005 are presently unavailable.

Number of Employees	Position	Salary range	Hours spent on File
1	LA-3A	\$110,300 - \$143,800	N/A
2	LA-2A	\$72,335 - \$119,500	78
3	LA-1A	\$52,2005 - \$74,475	N/A
1	SI-2	\$44,705 - \$50,767	34

The detention costs are estimated to be approximately \$175.00 per day. As of his deportation from Canada on March 1, 2005, Mr. Ernst Zundel had been detained at the Metro Toronto West Detention Centre for a period of 740 days at a cost of \$129,500.

It would be difficult to accurately assess the total cost of the court proceedings, given the number of departments and agencies involved in certificate cases. However, these types of costs were justified by the decision of the federal Court, which confirmed the validity of the certificate.

## NATIONAL DEFENCE

### REPLACEMENT OF SEA KING HELICOPTERS— COSTS RESULTING FROM CHANGES AND DELAYS IN SELECTION PROCESS

(Response to question raised by Hon. J. Michael Forrestall on February 10, 2005)

The EH-101 contract in 1992-93 was for approximately \$5.8 billion. This contract included only the cost of 50 helicopters and not other costs like the cost of in-service support.

The facts as requested are outlined below:

The actual cost to cancel the New Search and Rescue/New Shipborne Helicopter Project was \$478.3M.

The cost to support the Sea King from 1994 to 2010 is estimated at \$850M, including over \$80 million in upgrades.

The cost of 15 Cormorant Search and Rescue Helicopters was \$790 million.

The estimated cost for in-service support for the Cormorants is \$1.7 billion, which is the contractual ceiling value for 25 years. The actual cost will depend on the number of hours flown on the helicopters, the rate of exchange and actual inflation indicators. This cost, which forms part of the current contract, was not included in the 1993 contract for the EH-101.

The acquisition contract for the 28 new H-92s is valued at \$1.8 billion.

The contract value for 20 years of in-service support for the new H-92 is \$3.2 billion. This cost, which forms part of the current contract, was not included in the 1993 contract for the EH-101.

The Maritime Helicopter Project has \$220M in contingency which equates to 7.5 per cent of the project value. This amount is standard for low to medium risk Major Crown Projects in the Department of National Defence.

A significant savings for the Government of over \$1 billion has resulted from the cancellation of the 1993 contract and the decision to proceed with separate Search and Rescue and Maritime Helicopter Projects as outlined below:

50 EH-101 Helicopters	\$ 5.8 billion* (cancelled contract)
<b>Total</b>	<b>\$ 5.8 billion</b>

Cancellation Fee	\$ 478 million
15 EH-101 Cormorants	\$ 790 million*
28 Sikorsky H-92s	\$ 1.8 billion*
Sea King Maintenance	\$ 850 million (1994-2010)
<b>Total</b>	<b>\$ 3.9 billion</b>

\* Not including service support

### REPLACEMENT OF SEA KING HELICOPTERS— COMPETENCY OF SIKORSKY H-92

(Response to question raised by Hon. J. Michael Forrestall on February 10, 2005)

With regard to the status of the H-92 as a naval helicopter, all bidders were required to provide a detailed technical plan for review and acceptance by the Crown for any modifications required to their basic helicopter in order to meet Canada's requirements.

With regard to whether an H-92 has ever flown off the back of a naval ship, all bidders were required to provide detailed plans and substantive performance data to demonstrate their capability to operate in the naval environment.

With regard to whether the H-92 was designed to operate from a Canadian frigate, neither aircraft has operated from a Halifax Class frigate. A flight test program is scheduled to validate the required performance.

## SOCIAL DEVELOPMENT

PROPOSED CHILD CARE AGREEMENT  
WITH PROVINCES—PROVISION  
FOR OFFICIAL LANGUAGE MINORITIES

*(Response to question raised by Hon. Lowell Murray on February 16, 2005)*

At the February 11, 2005, meeting, Federal/Provincial/Territory (F/P/T) Ministers responsible for Social Services recognized the urgent need to accelerate the development of quality early learning and child care across the country.

F/P/T Ministers discussed a national vision and principles for early learning and child care systems in each province and territory. Given provincial/territorial responsibility in this area, F/P/T Ministers recognized the need for flexibility under a new agreement, to allow each jurisdiction to design and deliver programs and services that best meet their respective priorities and circumstances.

F/P/T Ministers have agreed that under a new agreement, early learning and child care will be guided by four principles — quality, universally inclusive, accessible and developmental. The principle of “universally inclusive” is intended to ensure that programs and services respond to the needs of all children, including those living in various linguistic and cultural circumstances.

In developing a new agreement, the federal government has sought to include a specific reference to official language minority communities, consistent with the federal objectives of the *Official Languages Act*.

A new agreement will include the necessary flexibility to allow provinces and territories to address the range of linguistic needs in their jurisdictions, including official language minority communities.

**The Hon. the Speaker:** Honourable senators, before calling Orders of the Day, in response to exchanges that I heard during Question Period, I draw the attention of honourable senators to our rules that clearly indicate that questions can be posed to the minister or committee chairs, that they are to be posed with a brief preamble and, on the other side, responded to with a brief preamble.

## ORDERS OF THE DAY

## BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I ask that we call Government Motions as the first item of business, followed by Bill C-12, Bill C-29, Bill C-6 and Bill C-39.

## THE ESTIMATES, 2004-05

NATIONAL FINANCE COMMITTEE AUTHORIZED  
TO STUDY SUPPLEMENTARY ESTIMATES (B)

**Hon. Bill Rompkey (Deputy Leader of the Government),** pursuant to notice earlier this day, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2005.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

## THE ESTIMATES, 2005-06

NATIONAL FINANCE COMMITTEE AUTHORIZED  
TO STUDY MAIN ESTIMATES

**Hon. Bill Rompkey (Deputy Leader of the Government),** pursuant to notice earlier this day, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2006 with the exception of Parliament vote 10.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

## THE ESTIMATES, 2005-06

VOTE 10 REFERRED TO JOINT COMMITTEE  
ON THE LIBRARY OF PARLIAMENT

**Hon. Bill Rompkey (Deputy Leader of the Government),** pursuant to notice earlier this day, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament vote 10 of the Estimates for the fiscal year ending March 31, 2006, and that a message be sent to the House of Commons to acquaint that House accordingly.



**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

• (21:00)

[Translation]

## QUARANTINE BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Lucie Pépin** moved second reading of Bill C-12, to prevent the introduction and spread of communicable diseases.

She said: Honourable senators, I am rising today to ask you to support Bill C-12, better known as the Quarantine Act. To some of you, this legislation may well be a very old memory. It is also possible that others do not have any recollection of it, and this would be perfectly understandable. The current Quarantine Act dates back to 1872 and has remained basically unchanged since then.

This legislation was drafted at a time when people, goods and diseases arrived by ship after weeks if not months of travel. It goes without saying that this act is unsuited to today's reality. Nowadays, distances are covered more rapidly and people, like diseases, travel by plane and reach their destinations within hours.

Times change and we expect legislation to follow suit. The new version of the act that I am introducing today modernizes the provisions that are obsolete and includes several other changes that will help health authorities counter the risks posed by new infectious diseases and the spread of such diseases.

Before getting into the specifics of the improvements made to the act, I would like to talk about the context that guided this change, which many see as a positive one. Canada's public health system is critical to Canadians' health and safety. It combines both the art and the science of protecting and promoting health, preventing diseases and injuries, and extending life.

Moreover, it is incumbent on the public health system to identify and monitor threats to health, and to take adequate measures to prevent the spread of diseases. This complex public health safety net is invisible to many. When the public health system is working well, only a few people notice it. However, when a new disease surfaces, the role of public health is scrutinized. This was the case when SARS crossed our borders, in 2003. Within a few days, we were challenged by a dangerous disease that, until then, was unknown. You may remember that severe acute respiratory syndrome killed hundreds of people worldwide, including 44 in the Toronto area.

SARS proved that disease did not stop at the border and that viruses also travel faster with over a billion people traveling by plane each year. We have all realized that globalization is not just

a financial network and the delocalization of businesses. It also affects health and, in particular, the mobility of diseases and viruses. In addition to surprising us, SARS tested our ability to react. Atypical pneumonia showed us our strengths but especially our weaknesses in reacting to imported epidemics. Obviously, we learned a great deal from SARS, the biggest lesson of which is the importance of having the means to take immediate and decisive action when it comes to international health challenges.

In terms of emergency planning and intervention, the public health care system is the first line of defence against new and ongoing threats to public health. That is why a health care system has to have access to a wide range of modern tools to maintain a state of readiness so it can effectively manage the next infectious disease outbreak. The country's reaction to SARS showed the urgent need for national leadership and coordination of public health activities, particularly during a crisis.

Many of us remember the important work done by Dr. David Naylor, chair of the National Advisory Committee on SARS and Public Health. The Naylor committee examined the events related to the SARS crisis and made recommendations, particularly for the legislative reform of public health administration.

In support of the recommendations in the Naylor report and the vision that inspired members of this committee, this chamber asked the Standing Senate Committee on Social Affairs, Science and Technology to examine and report on the infrastructure and governance of the public health system in Canada, as well as Canada's ability to respond to public health emergencies arising from outbreaks of infectious disease.

The Senate committee's report, published in November 2003, lists the initial measures required to facilitate the renewal and reform of health protection and promotion in Canada, including the creation of a new health protection and promotion agency headed by Canada's Chief Public Health Officer. The measures we have taken show that these recommendations were taken seriously.

Last September, the Government of Canada acted quickly to strengthen public health by creating the Public Health Agency of Canada and appointing the nation's first Chief Public Health Officer. This is only the first step in a series of measures to strengthen our public health system.

One of the other important lessons we have learned from the SARS crisis is the need to have modern quarantine legislation that will be effective in preventing communicable diseases from entering the country, stopping their spread and preventing their transmission beyond our borders.

Since the SARS crisis, the first priority of the health department has been to revitalize quarantine services. Health Canada continues to provide quarantine services in all of Canada's international airports. Quarantine officers in the airports provide health assessments to international travelers who are identified as ill.

As I mentioned earlier, the legal framework in which these officers do their work has become completely inadequate. Thus, it is indispensable for them to have access to a complete range of modern public health measures. For example, the outdated nature

of the Quarantine Act is such that an Order-in-Council is needed for each addition to the list of diseases. This considerably reduces the federal government's ability to react rapidly to a public health emergency. It was in this context that the outdated and redundant Quarantine Act was thoroughly revised to respond to the urgent problems involving the spread of communicable diseases.

This bill is the new, decisive step that must be taken in order to protect Canadians in the event of a public health emergency. Bill C-12 has been designed to complement current provincial and territorial public health legislation.

In short, this bill adds a new level of protection to Canada's nationwide public health network. It is an instrument that will make it possible to detect threats to public health at the very moment they enter the country. Once the new act is passed, the federal government will have the necessary legislative tools to reduce the risks and dangers of transmitting disease internationally.

We must not think only of our obligations to the Canadian people; protecting public health is the business of the entire world. The World Health Organization is currently reviewing its International Health Regulations to ensure that every country in the world helps to eliminate the spread of disease, rapidly and decisively.

Many aspects of Bill C-12 are significant in the management of diseases. The bill gives the federal health minister and quarantine officers in major international airports the authority to initiate immediate and full action. In a context of cooperation with our provincial and territorial counterparts, the quarantine bill will streamline public health processes by eliminating the distinction between listed diseases and other diseases that appear.

This bill sets out the federal government's legislative authority to examine arriving or departing individuals or conveyances which may pose a public health risk to Canadians and people worldwide.

Where there are incidents or risks to public health, the bill will continue to allow for public health measures to be taken at Canadian points of entry, such as screening travellers to determine appropriate measures. These include a medical examination, vaccination or other necessary measures, and even the detention of any person who refuses a medical examination or vaccination until there is no longer a risk to public health.

• (2110)

If there is an outbreak of a serious communicable disease in another country and there are genuine concerns about its being a threat to public health in Canada, the Government of Canada could prevent a carrier from entering the country if there were no other reasonable alternative. These powers will not do any harm to international transportation. Although it would be an extreme solution, the Government of Canada could close its border points if there were a public health emergency.

The authorities responsible for enforcing the law could also require any person wishing to leave Canada to undergo a medical examination if he or she represented a significant danger to public

health in the destination country. These authorities could also hold the individual if the assessment indicated that he or she represented a significant risk.

Some of these powers are already in the current legislation on communicable diseases, but the new bill contains a far more inclusive list of the diseases for which the competent authorities can retain passengers.

The new powers include the Minister of Health's ability to create quarantine facilities anywhere in Canada. The bill includes the possibility of compensation when the minister takes temporary possession of a location for public health purposes. The government is also committed to compensating the owners of conveyances or other things damaged or destroyed in the carrying out of an order.

Obviously, public health is everyone's business. Each of us must be aware of his or her responsibility, but the government can, as was demonstrated during the SARS crisis, take financial or taxation measures to provide assistance to individuals or companies affected by a crisis such as this.

Within the framework of the Quarantine Act, the government would generally opt for solutions tailored to each situation, and would provide compensation to individuals and businesses affected on a case by case basis. Flexibility is required.

Still in the same vein, we should point out that the amendments to the existing act will not cause any major change in the expenses of air carriers or airport authorities.

Nevertheless, in the case of public health emergencies, everyone would be expected to assume additional costs. Still, this is the price that must be paid in order to protect the health of Canadians.

In addition, the legislation will specify the powers to gather and transmit personal health information, in order to safeguard public health. These powers will observe the Charter of Rights and Freedoms. The legislation will ensure that human rights are respected by authorizing recourse to a lawyer, an interpreter, or a second medical opinion.

The powers set out in the legislation will be exercised by control officers, who will usually be customs officers, as well as by quarantine officers, who will be health professionals, and by environmental health officers, whose mandate will be to ensure that conveyances, goods and cargo are not carrying agents of communicable diseases, and if necessary, to carry out decontamination and disinfection procedures.

The new version of the act is also more in line with proposed revisions to the World Health Organization's International Health Regulations. The updated Quarantine Act will maintain an appropriate balance between the protection of individual rights and freedoms and the protection of the public. Moreover, this balance will respect the jurisdictions of our provincial and territorial partners and clearly set out the roles and responsibilities of each in this shared field of jurisdiction, public health. The act operates at Canadian international borders and therefore does not conflict with, but is complementary to, provincial and territorial public health acts.



The Canadian Public Health Agency has relied on the expertise of many stakeholders in drafting Bill C-12, because it believes this is an important bill that will enable the federal government to fulfill its responsibilities to the Canadian public and the international community.

Recent events — including SARS, the West Nile virus and the avian flu — have shown us that infectious disease outbreaks can seriously threaten our health. The SARS crisis alone is enough to show us the necessity of having public health tools suited to today's reality. By passing this bill, we can offer Canadians this necessary additional protection.

Therefore, I invite you, honourable senators, to pass this important bill as rapidly as possible in the interests of the health of the world and the safety of the Canadian public.

On motion of Senator Keon, debate adjourned.

[English]

## PATENT ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the second reading of Bill C-29, to amend the Patent Act.

**Hon. James F. Kelleher:** Honourable senators, I am pleased to rise this evening to speak to Bill C-29, to amend the Patent Act. I have read the tutorial that the sponsor of this bill in the Senate gave at second reading and found his lesson adequate. I will not go into the meat and bones of this bill. Suffice it to say that the amendments to the Patent Act are sensible. It is only too bad that it took the Federal Court of Appeal decision before the government recognized the act's shortcomings.

Neither is the second part of this bill objectionable. It rightly corrects an oversight in the Jean Chrétien Pledge to Africa Act, an oversight that excluded the Senate from reviewing appointments to the act's Drugs Advisory Committee; I am sure this was not intentional. We wait with bated breath for the announcement as to which committee will be selected to review those appointments. The legislation stipulates that the committee dealing with industry should be the one. However, since we do not have an industry committee, per se, in the Senate, it remains a mystery wrapped in an enigma inside a riddle. Will it be the Banking Committee? Will it be Foreign Affairs? Will it be Social Affairs, Science and Technology? Stay tuned, honourable senators, all will be reviewed and revealed in good time.

While the bill is touted as a housekeeping bill, its implications and implementation, it seems, are proving to be anything but straightforward. Honourable senators will recall that Senator Oliver noted in a question last December that the Jean Chrétien Pledge to Africa Act had been given Royal Assent in May 2004, yet six months later, no generic drugs had been sent. It seems the problems are manifold.

The intra-industry squabble between patent owners and the generic drug industry is compounded by the lack of regulation available from Health Canada and Industry Canada to accompany the legislation. Two weeks ago, the Leader of the Government in the Senate promised the regulations in the next few weeks. That was February 10. I am sure the honourable leader recalls that promise. I checked the latest issue of the *Canada Gazette*, Part II, dated February 23, and those regulations have yet to arrive. Honourable senators, I hope that a few weeks will not turn into a few months.

• (2120)

I have another concern, and that is the rather grandiose claims that are being made for Mr. Chrétien's pledge in the first place. While the drugs that are sent to Africa under this act will be welcome, and indeed are amongst the least that we can do to help, they will only extend lives, not save them. HIV/AIDS is a deadly disease for which there is no known cure, yet the sponsors of this bill in the other place, without saying so explicitly, have couched the debate in life or death terms. I would remind them that they could do more for the people of Africa and be more effective in eradicating this deadly disease if we met OECD and UN-recommended international aid budget targets. However, even with the finance minister's recent commitment to double the international aid envelope by 2010, the government will fall short of that target.

That target, honourable senators, is 0.7 per cent of GDP, a target that was set in the 1960s by Lester Pearson. Honourable senators, then we could really make a difference. Then we could invest a significant amount of money in education and preventive health initiatives in Africa that would really save lives. We could help to create an environment in which those lives would really be worth living, rather than the present one of chronic poverty, disease and demi-violence that plagues so much of that continent.

Honourable senators, I know that the sponsors of this bill are well-meaning and that they are not using the Jean Chrétien Pledge to Africa to distract Canadians from the fact that their aid budget does not live up to what might be expected from a country of Canada's size and wealth. For that reason, we support Bill C-29.

**The Hon. the Speaker:** As I see no senators rising, are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

### REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

## DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

### THIRD READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth, for the third reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

**The Hon. the Speaker:** Honourable senators, this bill is subject to a request for a ruling. I undertook to prepare a response and have done so. I am prepared to give the ruling. However, our practice is that we do so in the presence of the senator raising the point of order. I did ask the table to advise Senator Cools, who raised the point of order, that the matter would be dealt with today, but I see she is not here. I have asked that a page go to her office, and no one is in her office.

The giving of a ruling should not delay steps being taken on a matter. On the other hand, we are only at debate stage and, as senators know, this matter of the ruling does not delay a debate. I am looking to the house leaders for some guidance on this matter. I am prepared to give the ruling, but I do not like to depart from the practice of doing so in the presence of the senator who made the point of order.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** I cannot inform this chamber as to the whereabouts of Senator Cools, but I would ask that if Your Honour could delay the reading of his ruling until tomorrow, I am certain that she would be here. I want to advise this chamber that I will also ask her when she intends to speak on this bill as well. Therefore, I will adjourn, if I may, the debate in the name of Senator Cools.

**Hon. Bill Rompkey (Deputy Leader of the Government):** We would concur with the position that Senator Stratton has taken. My understanding is that the ruling would be tomorrow, at which time we would see who engages in debate so that we could begin to move the item forward.

**The Hon. the Speaker:** Just to be clear, honourable senators, I will give the ruling tomorrow. Senator Cools will have notice by today's Hansard and by the intervention of the two house leaders with respect to the matter confirming their position. In the meantime, the matter stands.

Order stands.

## PERSONAL WATERCRAFT BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-12, concerning personal watercraft in navigable waters.  
—(Honourable Senator Ringuette)

**Hon. Pierrette Ringuette:** Honourable senators, I would like to take this opportunity to commend Senator Spivak for her commitment to the environment and to navigation safety. While I share most of the concern conveyed by the senator on this issue, I cannot support Bill S-12 for many reasons.

The main reason I oppose this bill is that I believe it overlaps with current legislation regarding existing boating regulations. Furthermore, Bill S-12, if it becomes law, does not provide an open forum for democratic consultation, bypassing municipal and provincial authorities.

On the first issue, after carefully studying this bill, it has come to my knowledge that federal legislation currently exists regarding the utilization of boats on our waters. The Canada Shipping Act provides the statutory authority to restrict boating activities for motives of general public safety and the protection of the marine environment.

[Translation]

Under this legislation, the government was able to impose boating restrictions throughout Canada. It is important to note that the government uses the Boating Restriction Regulations to control boating by all watercraft, including personal watercraft, by regulating their access and speed to ensure public and environmental safety. These regulations cover all aspects of boating by all watercraft throughout Canada. They include a mechanism to restrict or even prohibit the use of all motor boats, including personal watercraft, on Canadian waterways.

Bill S-12 includes a mechanism allowing the minister to approve a resolution restricting the use of certain waterways.

Here is an example of duplication and redundancy. Subsection 8.1 of the Boating Restriction Regulations under the Canada Shipping Act states that:

Where a designated authority or a designated provincial authority seeks, in respect of certain waters, the imposition of a restriction on navigation that is of the same nature as a restriction imposed by these Regulations, the authority may submit to the Minister a request for such a restriction together with a report that specifies the location of the waters, the nature of the proposed restriction, information regarding any public consultations held in respect of such a restriction, and particulars regarding the implementation of the proposed restriction.

• (2130)

Also, "designated authority" is said to mean the deputy minister of a federal department, the chief executive officer of a federal agency or a representative designated by one of these persons to act on behalf of that person for the purpose of the administration of these regulations.

And "designated provincial authority" means any department of the government of a province designated by that government to process requests to impose restrictions on navigation in respect of waters within that province.



With these regulations, the primary objective of Bill S-12 is already feasible and being enforced. This primary objective is to limit access to certain waterways. This is precisely why I believe this bill would only make enforcing these environmental and public health restrictions complicated and redundant. More worrisome yet is the process whereby a group of owners without a structured organization in the communities could ask for a certain type of permissible craft to be restricted or prohibited.

I strongly believe that public and democratic consultation is essential to protect the rights of Canadians. It makes no sense to me that a group of users of a given waterway could limit public access to other undefined groups. The consultation process proposed in Bill S-12 would allow an association of cottage owners, for instance, to dictate its wishes to other users by prohibiting a certain type of craft and not another, or a certain practice and not another after having superficially consulted the local population.

It is important to note that municipal governments and provincial governments, in particular, would be almost completely ignored in this process. In New Brunswick, it is possible to fine those who violate existing regulations through the local authorities, including municipal police forces and the RCMP. Several provinces have this authority under some provincial provisions.

[English]

Provinces already have legislated in areas affecting the utilization of public waterways. Most provincial legislation exists to determine waterways deemed for public usage, as does the Beds of Navigable Waters Act in the Province of Ontario, or to define marine insurance liability, as does the Marine Insurance Act in the Province of Manitoba. Most provinces have adopted environmental protection legislation to protect water sources and to limit public access to bodies of water designated for consumption. The main objective of the Watercourse and Wetland Alteration Regulation under the Clean Water Act of New Brunswick is an example of such legislation.

The issue of noise pollution is, ironically, of great interest to New Brunswickers. We cherish our peace and tranquility, especially when we are at cottages or canoeing on our beautiful waterways. In New Brunswick, the provincial government can control the level of noise from all sources on lakes and rivers by regulations under the Clean Environment Act.

Bill S-12 would restrict the noise made by only one kind of watercraft and would not address the issue of noise pollution by other kinds of watercraft or other nautical activities.

[Translation]

Enforcement of the existing regulations is a real burden, and is what this bill attempts to address. It is therefore of great importance for the municipal and provincial authorities, who are already responsible for enforcing many of the regulations on public waterways, to be more involved in our objectives for enforcing these regulations. In my opinion, Bill S-12 would be difficult, if not impossible, to enforce.

[ Senator Ringuette ]

Let us take as an example the Madawaska River in my part of the country to better illustrate my point. Originating in Lake Témiscouata, in Quebec, this river runs through a number of Quebec communities, before crossing into New Brunswick and passing through a number of wooded areas with scattered cottages that are not grouped together into any kind of organization.

When the Madawaska reaches Edmunston, New Brunswick, there are a number of houses along its banks. It cuts through the heart of the city and runs into the Saint John River. That river is part of the Canada-U.S. international boundary. It is accessible from Maine, as well as from New Brunswick and even Quebec.

The Madawaska River is a small river, about 35 kilometres long. It originates in Quebec, flows through New Brunswick and joins up with a river along a national boundary line. I can barely imagine the horror and complexity of enforcing the bill before us today. An interprovincial and international river — how could it be managed?

It could be possible for several groups of riverfront property owners on the Madawaska River to limit access to one type of watercraft rather than another in one section of the river. Then another group, a few kilometres downstream, could do the opposite. What position would be taken by the municipality through which the same river passes? And the provinces of New Brunswick and Quebec would have no say in all this. The RCMP, Sûreté du Québec and municipal police forces which already enforce the existing laws would have to enforce the restrictions set up to please each of these property owners' groups and associations.

In my opinion, it would be negligent to go over the heads of the provinces in matters of regulating watercraft, even if the federal government has the jurisdiction to legislate in this field. Since the regulation of all these craft is already a matter of federal and provincial jurisdiction, and since environmental protection is a task shared by the various levels of government, I think we should simply not go over the heads of the provinces and municipalities by passing this bill.

[English]

As legislators, we cannot bypass joint jurisdiction and we should not legislate where legislation exists. Therefore, it is my humble opinion that Bill S-12 should not pass the Senate, causing duplication of existing legislation and regulation.

On motion of Senator Rompkey, debate adjourned.

• (2140)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Internal Economy, Budgets and Administration (Senate Estimates 2005-2006) presented in the Senate on February 24, 2005.—(Honourable Senator Furey)

**Hon. George J. Furey** moved the adoption of the fourth report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate Estimates 2005-2006*) presented in the Senate on February 24, 2005.

He said: Honourable senators, your committee has prepared a budget for 2005-2006 that amounts to \$80,605,450. The budget before you includes, in your committee's opinion, a realistic funding level needed to allow the Senate to meet its operational requirements for the coming year. The amount was arrived at after careful consideration of several funding proposals.

Non-discretionary items, such as annual increases in senators' indemnities and staff salaries, as well as inflationary increases in travel expenses and general operating costs, account for most of the increase. The budget also includes additional funding in support of committee work, as well as a moderate increase in senators' research and office expense budgets.

It is important in any organization, honourable senators, to periodically evaluate the way things are done to ensure that limited resources are being used in the best possible way. As priorities and workloads shift over time, so too must programs, services and work methods adjust to these new realities so that resources can be reallocated from lower priority to higher priority.

As each program or policy change is implemented, senators will be informed well ahead of time of the effective date of the change. They will also be provided with full details of the change and how it affects their entitlements and the operations of their offices. The administration will, of course, be available to assist senators in adapting to the changes.

Honourable senators, in order to allow your committee to pursue its valuable work, I respectfully ask you to support the adoption of the report.

**Senator Stratton:** Question!

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** It was moved by the Honourable Senator Furey, seconded by the Honourable Senator Callbeck, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

## COMMISSION OF INQUIRY ON THE SPONSORSHIP PROGRAM

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator LeBreton,

That the Senate of Canada hereby calls upon the government to maintain the Commission of Inquiry into the Sponsorship Program and Advertising Activities for as long as necessary to establish the facts and discern the truth, and the Senate of Canada further urges the government to defend the Commission rigorously and reject attempts to impugn the integrity of the Commissioner, Mr. Justice John Howard Gomery.—(*Honourable Senator Losier-Cool*)

**Hon. Gerry St. Germain:** Honourable senators, I rise to speak on the motion put forward by my colleague Senator Nolin on February 3, a motion that would compel the government to defend the commission of inquiry into the sponsorship program and advertising activities, and its chair, Mr. Justice John Howard Gomery.

Obviously my colleague was concerned that a certain witness' lawyers would have had the whole inquiry tied up in federal court over a couple of curt news bites in an interview. My colleague has good reason to be concerned. This is not a royal commission. It is a public inquiry called by the Governor-in-Council, as called for under part 1 of the Inquiries Act.

If a public inquiry can be called by the Governor-in-Council, then one can be cancelled by the Governor-in-Council. Can you blame them for trying? Day after day, the gatekeepers of the ancien regime sit before Mr. Justice Gomery, confess their sins and point their fingers upward.

With the daily allegations, the current Prime Minister, who drafted the budgets and wrote the cheques in the old order, seems to the public to either be corrupt or incompetent, or both. Does anyone believe he was just the piano man in the house of ill-repute?

Royal commissions and commissions of inquiry have a rich history of affecting life in Canada. The McDonald commission, which investigated the old RCMP security service, led to the creation of the Canadian Security and Intelligence Service, an agency that is now tasked with many of our nation's counterterrorism activities. The Royal Commission on Aboriginal Peoples provided a road map for the new partnership between Euro-Canadians and the Aboriginals.

Even at the provincial level, inquiries have served to enhance the public good. The inquiry called to investigate the wrongful murder conviction of Donald Marshall in Nova Scotia showed the inherent biases against Aboriginals in our justice system, and has been the source of the movement to bring restorative justice to Canadian courts.

While the effects of these crucial inquiries on public policy in Canada are obvious, the government's track record shows that when the inquiry becomes inconvenient for their hold on power — like the puppy on the choke collar that runs too far ahead of its master — they tend to get it yanked back.

The Somalia inquiry was taking too long — an election was on the way — and finding out far too much about the lapses in the command structure of our Armed Forces, so the Liberal government of the day yanked the chain, closed the inquiry and had their election. Even our own attempts to continue the inquiry were put down.



Now, as the scandal deepens, members of the governing party, including those in the chamber, want to scrap the Gomery inquiry. Honourable senators, if the government calls this inquiry when it is politically expedient before an election only to scrap it after the election, what will be next?

If the Arar inquiry hints at finding that the government was complicit in the deportation and torture of Maher Arar, will we be in this situation again with an inquiry in jeopardy? If so, then Mark Twain was right when he said:

No man's life, liberty or property are truly safe when the legislature is in session.

This inquiry must continue for the simple fact that it strikes at the heart of something very fundamental to our processes here in Canada and in this chamber. All parliamentarians, whether we are in the upper or lower chamber, or have stood for election or have been appointed by Her Majesty, are trustees of the public good. Our system of representative democracy and responsible government has often been characterized as the most indirect system of indirect representation.

The public only puts its trust in the elected to represent them in the elected portion of the legislative branch, the House of Commons. Some of those in the lower House then are appointed by Her Majesty to the executive branch, namely, the cabinet. The executive branch must then maintain the confidence of the legislative branch, which includes this chamber.

We provide our confidence by allowing their bills to pass our scrutiny and continue on to Her Majesty for Royal Assent. How can we maintain this confidence when we legislate to compel the government to do one act and they use it to do another? The Auditor General's report said that Parliament was deceived. We were deceived. Honourable senators, you were all deceived.

This whole affair reminds one of the comment by another Liberal. This one was British, though. Herbert Henry Asquith, who was England's Prime Minister from 1908 to 1916, once noted that the War Office kept three sets of figures:

One to mislead the public, another to mislead the cabinet, and the third to mislead itself.

We need the Gomery inquiry to continue so that Justice Gomery can continue his investigation and report his findings to Parliament, and not be ridiculed by witnesses brandishing golf balls. Canadians want to know what commission was paid to acquire the golf balls — they do not care about golf balls — and how much was kicked back to the Liberals and to their party. Canadians do want an answer to this simple question: Just who deceived us?

On motion of Senator Losier-Cool, debate adjourned.

**Hon. Bill Rompkey (Deputy Leader of the Government):** I move that the Senate do now adjourn.

The Senate adjourned until tomorrow at 2 p.m.

## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate



**THE SPEAKER**

The Honourable Daniel Hays

**THE LEADER OF THE GOVERNMENT**

The Honourable Jack Austin, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable Noël A. Kinsella

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**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

**DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES**

Gary O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

Terrance J. Christopher

# THE MINISTRY

According to Precedence

(March 7, 2005)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. Jean-C. Lapierre	Minister of Transport
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs and Minister of Human Resources and Skills Development
The Hon. Stéphane Dion	Minister of the Environment
The Hon. Pierre Stewart Pettigrew	Minister of Foreign Affairs
The Hon. Andy Scott	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Agriculture and Agri-Food
The Hon. William Graham	Minister of National Defence
The Hon. Albina Guarnieri	Minister of Veterans Affairs
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Leader of the Government in the House of Commons
The Hon. M. Aileen Carroll	Minister of International Cooperation
The Hon. Irwin Cotler	Minister of Justice and Attorney General of Canada
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Canadian Heritage and Minister responsible for Status of Women
The Hon. Giuseppe (Joseph) Volpe	Minister of Citizenship and Immigration
The Hon. Joseph Frank Fontana	Minister of Labour and Housing
The Hon. Scott Brison	Minister of Public Works and Government Services
The Hon. Ujjal Dosanjh	Minister of Health
The Hon. Ken Dryden	Minister of Social Development
The Hon. David Emerson	Minister of Industry
The Hon. Ethel Blondin-Andrew	Minister of State (Northern Development)
The Hon. Raymond Chan	Minister of State (Multiculturalism)
The Hon. Claudette Bradshaw	Minister of State (Human Resources Development)
The Hon. John McCallum	Minister of National Revenue
The Hon. Stephen Owen	Minister of Western Economic Diversification and Minister of State (Sport)
The Hon. Joseph McGuire	Minister of the Atlantic Canada Opportunities Agency
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Jacques Saada	Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie
The Hon. John Ferguson Godfrey	Minister of State (Infrastructure and Communities)
The Hon. Tony Ianno	Minister of State (Families and Caregivers)



## SENATORS OF CANADA

## ACCORDING TO SENIORITY

(March 7, 2005)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.

Senator	Designation	Post Office Address
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.



## SENATORS OF CANADA

## ALPHABETICAL LIST

(March 7, 2005)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	C
Angus, W. David	Alma	Montreal, Que.	C
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	C
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	C
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	C
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	C
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	C
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	C
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	C
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	C
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	C
Harb, Mac.	Ontario	Ottawa, Ont.	Lib
Hays, Daniel, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	C
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	C
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	C
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	C
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
LeBreton, Marjory	Ontario	Manotick, Ont.	C
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	C
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	C
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Lib
Merchant, Pana	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	C
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	C
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Ind
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Lib
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	C
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	Ind
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	C
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	C
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib



**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
(March 7, 2005)

**ONTARIO—24**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Lorna Milne	Peel County	Brampton
16 Marie-P. Poulin	Northern Ontario	Ottawa
17 Francis William Mahovlich	Toronto	Toronto
18 Vivienne Poy	Toronto	Toronto
19 Isobel Finnerty	Ontario	Burlington
20 David P. Smith, P.C.	Cobourg	Toronto
21 Mac Harb	Ontario	Ottawa
22 Jim Munson	Ottawa/Rideau Canal	Ottawa
23		
24		

## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt . . . . .	Inkerman . . . . .	Kuujuuaq
2 Pierre De Bané, P.C. . . . .	De la Vallière . . . . .	Montreal
3 John Lynch-Staunton . . . . .	Grandville . . . . .	Georgeville
4 Jean-Claude Rivest . . . . .	Stadacona . . . . .	Quebec
5 Marcel Prud'homme, P.C. . . . .	La Salle . . . . .	Montreal
6 W. David Angus . . . . .	Alma . . . . .	Montreal
7 Pierre Claude Nolin . . . . .	De Salaberry . . . . .	Quebec
8 Lise Bacon . . . . .	De la Durantaye . . . . .	Laval
9 Céline Hervieux-Payette, P.C. . . . .	Bedford . . . . .	Montreal
10 Shirley Maheu . . . . .	Rougemont . . . . .	Ville de Saint-Laurent
11 Lucie Pépin . . . . .	Shawinigan . . . . .	Montreal
12 Marisa Ferretti Barth . . . . .	Repentigny . . . . .	Pierrefonds
13 Serge Joyal, P.C. . . . .	Kennebec . . . . .	Montreal
14 Joan Thorne Fraser . . . . .	De Lorimier . . . . .	Montreal
15 Aurélien Gill . . . . .	Wellington . . . . .	Mashteuiatsh, Pointe-Bleue
16 Jean Lapointe . . . . .	Saurel . . . . .	Magog
17 Michel Biron . . . . .	Milles Isles . . . . .	Nicolet
18 Raymond Lavigne . . . . .	Montarville . . . . .	Verdun
19 Paul J. Massicotte . . . . .	De Lanaudière . . . . .	Mont-Saint-Hilaire
20 Madeleine Plamondon . . . . .	The Laurentides . . . . .	Shawinigan
21 . . . . .	. . . . .	
22 . . . . .	. . . . .	
23 . . . . .	. . . . .	
24 . . . . .	. . . . .	



## SENATORS BY PROVINCE-MARITIME DIVISION

## NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 John Buchanan, P.C.	Halifax	Halifax
5 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
6 Wilfred P. Moore	Stanhope St./Bluenose	Chester
7 Jane Cordy	Nova Scotia	Dartmouth
8 Gerard A. Phalen	Nova Scotia	Glace Bay
9 Terry M. Mercer	Northend Halifax	Caribou River
10		

## NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Viola Léger	Acadie/New Brunswick	Moncton
7 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
8 Pierrette Ringuette	New Brunswick	Edmundston
9 Marilyn Trenholme Counsell	New Brunswick	Sackville
10		

## PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

## SENATORS BY PROVINCE-WESTERN DIVISION

## MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak . . . . .	Manitoba . . . . .	Winnipeg
2 Janis G. Johnson . . . . .	Winnipeg-Interlake . . . . .	Gimli
3 Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert
4 Sharon Carstairs, P.C. . . . .	Manitoba . . . . .	Victoria Beach
5 Maria Chaput . . . . .	Manitoba . . . . .	Sainte-Anne
6 . . . . .		

## BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C. . . . .	Vancouver South . . . . .	Vancouver
2 Pat Carney, P.C. . . . .	British Columbia . . . . .	Vancouver
3 Gerry St. Germain, P.C. . . . .	Langley-Pemberton-Whistler . . . . .	Maple Ridge
4 Ross Fitzpatrick . . . . .	Okanagan-Similkameen . . . . .	Kelowna
5 Mobina S.B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver
6 . . . . .		

## SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina
2 Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun
3 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
4 Pana Merchant . . . . .	Saskatchewan . . . . .	Regina
5 . . . . .		
6 . . . . .		

## ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays, <i>Speaker</i> . . . . .	Calgary . . . . .	Calgary
2 Joyce Fairbairn, P.C. . . . .	Lethbridge . . . . .	Lethbridge
3 Tommy Banks . . . . .	Alberta . . . . .	Edmonton
4 . . . . .		
5 . . . . .		
6 . . . . .		



## SENATORS BY PROVINCE AND TERRITORY

## NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

## NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

## NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

## YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

## ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of March 7, 2005)

\*Ex Officio Member

## ABORIGINAL PEOPLES

Chair: Honourable Senator Sibbeston

Deputy Chair: Honourable Senator St. Germain

Honourable Senators:

Angus,	Christensen,	* Kinsella,	Pearson,
Austin,	Fitzpatrick,	(or Stratton)	Sibbeston,
(or Rompkey)	Gustafson,	Léger,	St. Germain,
Buchanan,			Watt.

*Original Members as nominated by the Committee of Selection*

Angus, \*Austin, (or Rompkey), Buchanan, Christensen, Fitzpatrick, Gustafson,  
 \*Kinsella (or Stratton), Léger, Mercer, Pearson, Sibbeston, St. Germain, Trenholme Counsell, Watt

## AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Austin,	Gill,	Kelleher,	Mercer,
(or Rompkey)	Gustafson,	* Kinsella,	Oliver,
Callbeck,	Hubley,	(or Stratton)	Tkachuk.
Fairbairn,			

*Original Members as nominated by the Committee of Selection*

\*Austin, (or Rompkey), Callbeck, Fairbairn, Gustafson, Harb, Hubley, Kelleher,  
 \*Kinsella (or Stratton), Mahovlich, Mercer, Oliver, Ringuette, Sparrow, Tkachuk.

## BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Fitzpatrick,	Kelleher,	Meighen,
Austin,	Grafstein,	* Kinsella,	Moore,
(or Rompkey)	Harb,	(or Stratton)	Plamondon,
Biron,	Hervieux-Payette,	Massicotte,	Tkachuk.

*Original Members as nominated by the Committee of Selection*

Angus, \*Austin, (or Rompkey), Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, Kelleher,  
 \*Kinsella (or Stratton), Massicotte, Meighen, Moore, Plamondon, Tkachuk.



## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

## Honourable Senators:

Adams,	Banks,	Gustafson,	* Kinsella,
Angus,	Buchanan,	Hubley,	(or Stratton)
* Austin,	Christensen,	Kenny,	Lavigne,
(or Rompkey)	Cochrane,		Milne,
			Spivak.

*Original Members as nominated by the Committee of Selection*

*Adams, Angus, \*Austin, (or Rompkey), Banks, Buchanan, Christensen, Cochrane, Finnerty, Gill, Gustafson, \*Kinsella (or Stratton), Lavigne, Milne, Spivak.*

## FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Hubley

## Honourable Senators:

Adams,	De Bané,	* Kinsella	Merchant,
* Austin,	Hubley,	(or Stratton)	Phalen,
(or Rompkey)	Johnson,	Mahovlich,	St. Germain,
Comeau,		Meighen,	Watt.

*Original Members as nominated by the Committee of Selection*

*Adams, \*Austin, (or Rompkey), Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, \*Kinsella (or Stratton), Mahovlich, Meighen, Phalen, St. Germain, Watt.*

## FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

## Honourable Senators:

Andreychuk,	Corbin,	Eyton,	Mahovlich,
* Austin,	De Bané,	Grafstein,	Prud'homme,
(or Rompkey)	Di Nino,	* Kinsella,	Robichaud,
Carney,	Downe,	(or Stratton)	Stollery.

*Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin, (or Rompkey), Carney, Corbin, De Bané, Di Nino, Downe, Eyton, Grafstein, \*Kinsella (or Stratton), Poy, Prud'homme, Robichaud, Stollery.*

## HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Pearson

## Honourable Senators:

Andreychuk,	Ferretti Barth,	LeBreton,	Pearson,
Austin,	Kinsella,	Losier-Cool,	Pépin,
(or Rompkey)	(or Stratton)	Oliver,	Poy.
Carstairs,			

*Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin (or Rompkey), Carstairs, Ferretti Barth, \*Kinsella (or Stratton), LaPierre, LeBreton, Oliver, Pearson, Poulin, Poy.*

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

## Honourable Senators:

Austin,	De Bané,	Keon,	Nolin,
(or Rompkey)	Di Nino,	* Kinsella,	Poulin,
Bank,	Furey,	(or Stratton)	Smith,
Cook,	Jaffer,	Lynch-Staunton,	Stratton.
Day,	Kenny,	Massicotte,	

*Original Members as nominated by the Committee of Selection*

*\*Austin, (or Rompkey), Banks, Cook, Day, De Bané, Di Nino, Furey, Jaffer, Kenny, Keon,*

*\*Kinsella (or Stratton), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.*

## LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Eyton

## Honourable Senators:

Andreychuk,	Eyton,	Mercer,	Ringuette,
Austin,	Joyal,	Milne,	Rivest,
(or Rompkey)	* Kinsella,	Nolin,	Sibbeston.
Bacon,	(or Stratton)	Pearson,	
Cools,			

*Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin, (or Rompkey), Bacon, Cools, Eyton, Joyal, \*Kinsella (or Stratton), Mercer, Milne, Nolin, Pearson, Ringuette, Rivest, Sibbeston.*



## LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Vice-Chair:

Honourable Senators:

Lapointe,	Poy,	Stratton,	Trenholme Counsell.
LeBreton,			

*Original Members agreed to by Motion of the Senate*  
*Lapointe, LeBreton, Poy, Stratton, Trenholme Counsell.*

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## NATIONAL FINANCE

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Day

Honourable Senators:

* Austin,	Cools,	Harb,	Oliver,
(or Rompkey)	Day,	* Kinsella,	Ringuette,
Biron,	Downe,	(or Stratton)	Stollery,
Comeau,	Ferretti Barth,	Murray,	Stratton.

*Original Members as nominated by the Committee of Selection*

*\*Austin, (or Rompkey), Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb,*  
*\*Kinsella (or Stratton), Mahovlich, Murray, Oliver, Ringuette, Stratton.*

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## NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins,	Cordy,	Kenny,	Meighen,
* Austin,	Day,	* Kinsella,	Munson,
(or Rompkey)	Forrestall,	(or Stratton)	Nolin.
Banks,			

*Original Members as nominated by the Committee of Selection*

*Atkins, \*Austin, (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny,*  
*\*Kinsella (or Stratton), Lynch Staunton, Meighen, Munson.*

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## VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

## Honourable Senators:

Atkins,	Day,	* Kinsella,	Meighen.
Austin,	Forrestall,	(or Stratton)	
(or Rompkey)	Kenny,		

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## OFFICIAL LANGUAGES

Chair: Honourable Senator Corbin

Deputy Chair: Honourable Senator Buchanan

## Honourable Senators:

Austin,	Chaput,	Jaffer,	Léger,
(or Rompkey)	Comeau,	* Kinsella,	Murray.
Buchanan,	Corbin,	(or Stratton)	

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*Original Members as nominated by the Committee of Selection**\*Austin, (or Rompkey), Chaput, Comeau, Corbin, Jaffer, \*Kinsella (or Stratton), Lavigne, Léger, Meighen, Merchant, St. Germain.*

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## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Lynch-Staunton

## Honourable Senators:

Andreychuk,	Di Nino,	* Kinsella,	Maheu,
Austin,	Fraser,	(or Stratton)	Milne,
(or Rompkey)	Furey,	LeBreton,	Robichaud,
Chaput,	Jaffer,	Lynch-Staunton,	Smith.
Cools,	Joyal,		

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*Original Members as nominated by the Committee of Selection**Andreychuk, \*Austin, (or Rompkey), Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal, \*Kinsella (or Stratton), LeBreton, Lynch Staunton, Maheu, Milne, Poulin, Robichaud, Smith.*

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### SCRUTINY OF REGULATIONS (Joint)

**Joint Chair:** Honourable Bryden

**Vice-Chair:**

**Honourable Senators:**

Baker,	Bryden,	Kelleher,	Moore,
Biron,	Hervieux-Payette,	Lynch-Staunton,	Nolin.

*Original Members as agreed to by Motion of the Senate*

*Baker, Biron, Bryden, Hervieux-Payette, Kelleher, Lynch-Staunton, Moore, Nolin.*

### SELECTION

**Chair:** Honourable Senator Losier-Cool

**Deputy Chair:** Honourable Senator LeBreton

**Honourable Senators:**

* Austin,	Carstairs,	* Kinsella,	Losier-Cool,
(or Rompkey)	Comeau,	(or Stratton)	Rompkey,
Bacon,	Fairbairn,	LeBreton,	Stratton,
			Tkachuk.

*Original Members agreed to by Motion of the Senate*

*\*Austin, (or Rompkey), Bacon, Carstairs, Comeau, Fairbairn,  
\*Kinsella (or Stratton), LeBreton, Losier-Cool, Rompkey, Stratton, Tkachuk.*

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

**Chair:** Honourable Senator Kirby

**Deputy Chair:** Honourable Senator Keon

**Honourable Senators:**

* Austin,	Cook,	Johnson,	Kirby,
(or Rompkey)	Cordy,	Keon,	LeBreton,
Callbeck,	Fairbairn,	* Kinsella,	Pépin,
Cochrane,	Gill,	(or Stratton)	Trenholme Counsell.

*Original Members as nominated by the Committee of Selection*

*\*Austin, (or Rompkey), Callbeck, Cochrane, Cook, Cordy, Fairbairn, Gill, Johnson,  
Keon, \*Kinsella (or Stratton), Kirby, LeBreton, Morin, Pépin.*

## TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Tkachuk

## Honourable Senators:

Austin, (or Rompkey)	Eyton, Fraser, Johnson,	* Kinsella, (or Stratton) Merchant,	Munson, Phalen, Tkachuk, Trenholme Counsell.
Carney, Chaput,			

*Original Members as nominated by the Committee of Selection*

\*Austin, (or Rompkey), Baker, Carney, Eyton, Fraser, Gill, Johnson,  
\*Kinsella (or Stratton), LaPierre, Merchant, Munson, Phalen, Tkachuk, Trenholme Counsell.

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## THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Lynch-Staunton

## Honourable Senators:

Andreychuk, Austin, (or Rompkey) Day	Fairbairn, Fraser, Jaffer,	Joyal, * Kinsella, (or Stratton)	Lynch-Staunton, Smith
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*Original Members as nominated by the Committee of Selection*

Andreychuk, \*Austin, P.C (or Rompkey), Day, Fairbairn, Fraser, Harb,  
Jaffer, Joyal, \*Kinsella (or Stratton), Lynch-Staunton.

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# CONTENTS

## Monday, March 7, 2005

	PAGE
<b>Royal Canadian Mounted Police</b>	
Tributes to Slain Constables.	
The Hon. the Speaker. . . . .	824
Hon. Jack Austin . . . . .	824
Hon. Noël A. Kinsella . . . . .	824

### SENATORS' STATEMENTS

<b>Special Olympics World Winter Games 2005</b>	
Congratulations to Canadian Athletes.	
Hon. Catherine S. Callbeck. . . . .	824
<b>Canada-United States Relations</b>	
Hon. Gerry St. Germain . . . . .	824
<b>Nova Scotia Arts and Cultural Community</b>	
Hon. Donald H. Oliver. . . . .	825

### ROUTINE PROCEEDINGS

<b>The Estimates, 2004-05</b>	
Supplementary Estimates (B) Tabled.	
Hon. Bill Rompkey . . . . .	826
<b>The Estimates, 2005-06</b>	
Tabled.	
Hon. Bill Rompkey . . . . .	826
<b>Statistics Act (Bill S-18)</b>	
Bill to Amend—Report of Committee.	
Hon. Wilbert J. Keon. . . . .	826
<b>The Estimates, 2004-05</b>	
Notice of Motion to Authorize National Finance Committee to Study Supplementary Estimates (B).	
Hon. Bill Rompkey . . . . .	826
<b>The Estimates, 2005-06</b>	
Notice of Motion to Authorize National Finance Committee to Study Main Estimates.	
Hon. Bill Rompkey . . . . .	826
<b>The Estimates, 2005-06</b>	
Notice of Motion to Refer Standing Vote 10 to the Standing Joint Committee on the Library of Parliament.	
Hon. Bill Rompkey . . . . .	826
<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
First Reading. . . . .	826
<b>Financial Administration Act</b>	
Canada School of Public Service Act	
Official Languages Act (Bill C-8)	
Bill to Amend—First Reading. . . . .	827

### QUESTION PERIOD

<b>Foreign Affairs</b>	
Canada-United States Relations—Comments by Minister.	
Hon. Noël A. Kinsella . . . . .	827
Hon. Jack Austin . . . . .	827
<b>The Senate</b>	
United States—Missile Defence Program—Comments by Chairman of National Security and Defence Committee.	
Hon. Noël A. Kinsella . . . . .	828
Hon. Jack Austin . . . . .	828

<b>Canada-United States Relations</b>	
Missile Defence Program—Effect of Non-Participation on Business Community.	
Hon. Gerry St. Germain . . . . .	828
Hon. Jack Austin . . . . .	828
<b>The Senate</b>	
United States—Missile Defence Program—Comments by Chairman of National Security and Defence Committee.	
Hon. Noël A. Kinsella . . . . .	828
Hon. Jack Austin . . . . .	828

<b>Foreign Affairs</b>	
United States—Missile Defence Program—Notice of Non-Participation.	
Hon. Gerry St. Germain . . . . .	829
Hon. Jack Austin . . . . .	829

<b>International Trade</b>	
United States—Bovine Spongiform Encephalopathy—Opening of Border to Beef Exports—Court Injunction.	
Hon. Gerry St. Germain . . . . .	829
Hon. Jack Austin . . . . .	829

<b>Foreign Affairs</b>	
Release of Foreign Policy Review Paper.	
Hon. A. Raynell Andreychuk . . . . .	830
Hon. Jack Austin . . . . .	830

<b>Delayed Answers to Oral Questions</b>	
Hon. Bill Rompkey . . . . .	831

<b>Immigration and Citizenship</b>	
Refugee Claim by Mr. Ernst Zundel	
Question by Senator Tkachuk.	
Hon. Bill Rompkey (Delayed Answers) . . . . .	831

<b>National Defence</b>	
Replacement of Sea King Helicopters—Costs Resulting from Changes and Delays in Selection Process	
Question by Senator Forrestall.	
Hon. Bill Rompkey (Delayed Answers) . . . . .	832
Replacement of Sea King Helicopters—Competency of Sikorsky H-92	
Question by Senator Forrestall.	
Hon. Bill Rompkey (Delayed Answers) . . . . .	832

<b>Social Development</b>	
Proposed Child Care Agreement with Provinces—Provision for Official Language Minorities	
Question by Senator Murray.	
Hon. Bill Rompkey (Delayed Answers) . . . . .	833

### ORDERS OF THE DAY

<b>Business of the Senate</b>	
Hon. Bill Rompkey . . . . .	833

<b>The Estimates, 2004-05</b>	
National Finance Committee Authorized to Study Supplementary Estimates (B).	
Hon. Bill Rompkey . . . . .	833

<b>The Estimates, 2005-06</b>	
National Finance Committee Authorized to Study Main Estimates.	
Hon. Bill Rompkey . . . . .	833

<b>The Estimates, 2005-06</b>	
Vote 10 Referred to Joint Committee on the Library of Parliament.	
Hon. Bill Rompkey . . . . .	833

	PAGE
<b>Quarantine Bill (Bill C-12)</b>	
Second Reading—Debate Adjourned.	
Hon. Lucie Pépin .....	834
<b>Patent Act (Bill C-29)</b>	
Bill to Amend—Second Reading.	
Hon. James F. Kelleher .....	836
Referred to Committee .....	836
<b>Department of Public Safety and Emergency Preparedness Bill</b>	
<b>Bill C-6)</b>	
Third Reading—Order Stands.	
Hon. Terry Stratton .....	837
Hon. Bill Rompkey .....	837

	PAGE
<b>Personal Watercraft Bill (Bill S-12)</b>	
Second Reading—Debate Continued.	
Hon. Pierrette Ringuette .....	837
<b>Internal Economy, Budgets and Administration</b>	
Fourth Report of Committee Adopted.	
Hon. George J. Furey .....	839
<b>Commission of Inquiry on the Sponsorship Program</b>	
Motion—Debate Continued.	
Hon. Gerry St. Germain .....	839
Hon. Bill Rompkey .....	840
<b>Appendix</b> .....	i









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CANADA



# Debates of the Senate

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1st SESSION

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38th PARLIAMENT

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VOLUME 142

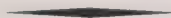
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NUMBER 42

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, March 8, 2005**



THE HONOURABLE DANIEL HAYS  
SPEAKER

## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, March 8, 2005

[Translation]

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of General Orazio De Minicis and his wife Franca. General De Minicis is the military attaché of the Embassy of Italy. They are the guests of the Honourable Senator Ferretti Barth.

On behalf of all senators, I welcome you to the Senate.

[English]

## SENATORS' STATEMENTS

### ROYAL CANADIAN MOUNTED POLICE

#### TRIBUTE TO SLAIN CONSTABLES

**Hon. Joyce Fairbairn:** Honourable senators, the collective heart of the citizens of Alberta was broken last week as four young officers of the Royal Canadian Mounted Police were murdered in the small town of Mayerthorpe. Their deaths, which occurred in the line of duty, brought a flood of sympathy and deep sadness from every corner of Canada. Constable Peter Schiemann, of Stoney Plain; Constable Lionide Johnston, of Lac La Biche; and constables Anthony Gordon and Brock Myrol of Red Deer epitomized the qualities of courage and dedication that are the daily workload of our security forces across this country. It is hard to describe the pride Albertans feel for the Royal Canadian Mounted Police. They have been an integral part of our history since they rode across the plains from Manitoba to shut down whiskey forts, to build peace and friendship with our Aboriginal peoples, and, of great significance, to create a presence of authority over a somewhat vague border between Canada and the United States.

The young men who gave their lives did so believing in the fundamental importance of securing the safety of citizens, of protecting goods and property and of strengthening our laws, which are as fundamental to our existence now as they were when the Mounties met the settlers. There is no way we can even imagine the shock and the grief that is felt by the families, especially the four young women who were building good and happy lives for themselves and their Mounties. We salute them in

our prayers, and with our support for the values represented by their brave partners who chose the Royal Canadian Mounted Police as their life's work. May they rest in peace and in honour.

### CITIZENSHIP AND IMMIGRATION

#### DEPORTATION OF MR. ERNST ZUNDEL

**Hon. David Tkachuk:** Honourable senators, on March 1, Ernst Zundel was finally deported back to Germany after spending two years tying our courts into knots while trying to escape his fate. Mr. Zundel is infamous in Canada and abroad as a writer and promoter of anti-Semitic literature, and as a Holocaust denier. A federal court has determined him to be a national and international security threat and has upheld the security certificate that was initially issued against him in April 2003. In his recent ruling, Federal Court Justice Pierre Blais said that Mr. Zundel's views on the Holocaust are vile and perverse but, on their own, were not enough to label him a security threat. Instead, Justice Blais said of Mr. Zundel that he "crossed the boundaries of free speech and ... entered the realm of incitement to hatred and potential political violence in relation to the White Supremacist Movement."

Justice Blais also stated that Mr. Zundel sought to destabilize the German government from our country. These lengthy and costly court proceedings might have been avoided if Mr. Zundel had been deported to his native Germany in February 2003 as authorities from that country had requested. Although Canadians were promised swift action when Mr. Zundel was initially returned here, they had to wait two years for his removal. His future now rests in the hands of the German courts because he will stand trial there on charges of denying the Holocaust and inciting hatred.

It has been disappointing over the past two years to see many people categorize Mr. Zundel's detention as an attack on free speech in our country. Thankfully, many more Canadians have stated their belief that he does not deserve to benefit from the rights and privileges of living in one of the most tolerant societies in the world. Ultimately, I think Ernst Zundel is to be pitied because he has wasted his life spreading lies and hatred.

Honourable senators, the Holocaust did not begin with one cataclysmic act of brutality and murder. Rather, it expanded and evolved over time through bigoted thoughts and words that were eventually translated into actions of unimaginable hatred and evil. Through his words, Ernst Zundel sought to contaminate hearts and minds against the Jewish people, and to incite similar violence. Fortunately, Ernst Zundel will no longer be able to use Canada as a launching point for his views. However, it would be extremely naive for anyone to think that Canada's problems in this respect have left with Mr. Zundel. He may be a lynchpin, but there are others in our recent past who have desecrated cemeteries and firebombed a school simply because they are Jewish. Hate-mongering has no place in our country, and we must be ever vigilant in our effort to guard against it.



[Translation]

### INTERNATIONAL WOMEN'S DAY

**Hon. Lucie Pépin:** Honourable senators, today we are celebrating International Women's Day. It is a special day for us and an occasion for reporting on our progress towards equality.

Our presence in this chamber is proof that the framework within which the "Famous Five" pursued their demands has changed considerably.

Women are indeed "persons." Our right to equal treatment is guaranteed by law. We have taken our place in many sectors that were once regarded as "for men only."

Women today are better educated and have full control of their bodies and their destiny.

• (1410)

But the price that some have had to pay has often been very high. A recent survey showed that women who work outside the home are exhausted and with good reason. While women are active in large numbers in the labour market, they are still responsible for the lion's share of household work.

The growing poverty of single mothers and older women living alone in our country concerns us, as does violence toward women in our communities. I am sure you were shocked to read the report by Amnesty International which highlighted the unequal treatment of Aboriginal women. These women are apparently eight times more likely to become homicide victims at the hands of their spouses than other Canadian women. This is certainly food for thought.

In addition to violence, people smuggling is a threat to Canadian women, especially immigrant women. Well-established networks in the major cities of our country prey on the vulnerability of these women, these young girls, and I would add, these children. This situation is intolerable and unacceptable but it is a fact of life in many Canadian cities.

Women also account for a great deal of the unpaid work in our country and many insecure jobs are reserved for them.

The average representation rate for women in Canadian legislatures is 20 per cent. This low rate, added to the 12 per cent of mayors and 21 per cent of municipal councillors who are women, is a good indication of the under-representation of women in political life. The limited role of women in senior management positions is another challenge facing us. Women occupy 11 per cent of management positions: the majority of those jobs are reserved for men in suits.

The theme for International Women's Day in Canada is "You are here: Women, Canada and the World." The few remarks I have shared with you show exactly where we are. Women's

integration into society is still battling against stereotypes. However, we have made great progress. Despite everything, women are staying the course.

I want to take this opportunity to pay a special tribute to the wives of members of the Canadian Forces who show great courage and resourcefulness in a situation that is not always easy. They deserve special mention.

In conclusion, I invite you to show your solidarity with the millions of women around the world who struggle every day for the right to vote, to be educated, to participate in decisions that concern them and, sometimes, simply to be treated as human beings.

### CANADIAN DIABETES ASSOCIATION

**Hon. Marilyn Trenholme Counsell:** Honourable senators, the Canadian Diabetes Association has asked me to thank the senators for their support of the generous allocation of funds in the 2005 Budget.

Last March, members of the Canadian Diabetes Association asked the federal government for \$50 million to develop an aggressive and sustained national strategy. Without such an effort, 3 million Canadians would be living with diabetes by 2016; an increase of 72 per cent.

[English]

In September 2004, Canada's Minister of Finance challenged the Canadian Diabetes Association to obtain cross-party support for a national diabetes strategy, promising the support of the Government of Canada in return. There then followed a massive effort by volunteers across the land — formal presentations, committee briefings, and over 3,000 letters to members of Parliament.

Their work was not in vain. The 2005 Budget gave a five-year commitment to a Canadian diabetes strategy valued at more than \$50 million — \$25 million for an Aboriginal diabetes initiative, \$18 million for prevention, enhanced care and improved access to services, increased funding for research, and income tax relief for parents of children with type 1 diabetes.

[Translation]

Yesterday, at a parliamentary reception, members of the Canadian Diabetes Association were happy and grateful. Promise made, promise kept!

[English]

Government has responded. Now, as never before, Canadians must respond.

We have heard the words, "It's the Charter, stupid!" When it comes to type 2 diabetes, "It's the lifestyle," and far too many of us are stupid. In the last two decades, obesity in children has doubled. A child born on this continent in 2000 has a one-in-three chance of becoming a diabetic.

[Translation]

The Canadian Diabetes Association says that diabetes costs our public health care system \$13.2 billion per year. By the year 2020, those costs could rise to more than \$19 billion.

[English]

Thirty minutes of exercise a day reduces the risk of type 2 diabetes by more than 50 per cent. The food we eat, the exercise we get and the lifestyle we choose can go further than any government dollars when it comes to the prevention and treatment of diabetes.

The Canadian Diabetes Association is up to this challenge. The Government of Canada is up to this challenge. Are Canadians ready to accept the challenge?

### INTERNATIONAL WOMEN'S WEEK

**Hon. Elizabeth Hubley:** Honourable senators, March 7 to 13 is International Women's Week. I know that all honourable senators join me in recognizing the immeasurable contributions that women make to contemporary Canadian life. When I think of these contributions by women to the social, economic, political and cultural development of our country, honourable senators, I am reminded of a richly woven and beautiful patchwork quilt, its many squares representing the diversity of work, ability and experience that is the world of women.

My own province of Prince Edward Island has been referred to as a patchwork quilt of cultivated fields, pastures and woodlands. In one particular patch, along the beautiful shore of the Tryon River, lives a truly remarkable woman named Betty King Howatt. Betty Howatt is a farmer, writer-broadcaster, environmentalist and a courageous voice in defence of Island heritage and the rural community.

Willowshade Farm was first settled by the Howatt family in 1783, and for half a century Betty, together with her husband Everett and son King, has grown apples of heritage varieties as well as a variety of other fruits and vegetables. Produce from the Howatt farm is legendary throughout the Island for its superb organic quality. Indeed, Betty and Everett Howatt have championed environmentally responsible farm practices in Prince Edward Island. They are highly skilled, productive farmers who have clearly demonstrated that values of stewardship and sustainability can go hand in hand with commercial success.

Betty and Everett Howatt are recipients of the 2003 Prince Edward Island Environmental Award for their outstanding contribution to protecting and enhancing the environment, and in 2004 Betty received a heritage award from the P.E.I. Museum for her inspired educational work to promote a better appreciation for and understanding of the small family farm. Her beautifully-written book, *Tales from Willowshade Farm*, is a delight for those who cherish the wonders of nature and growing things.

Honourable senators, Betty Howatt is an Island treasure and a distinguished Canadian, a woman of incredible knowledge and strength, and it gives me great pride to acknowledge her during International Women's Week.

## ROUTINE PROCEEDINGS

### CANADA-MEXICO INTER-PARLIAMENTARY MEETING

THIRTEENTH ANNUAL CONCLAVE,  
JANUARY 24-27, 2005—REPORT TABLED

**Hon. Daniel Hays:** Honourable senators, I have the honour to table, in both official languages, the report of the joint inter-parliamentary delegation that attended the thirteenth Canada-Mexico Inter-Parliamentary meeting held in Mexico City from January 24 to 27, 2005.

### FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Donald H. Oliver,** Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, March 8, 2005

The Standing Senate Committee on National Finance has the honour to present its

### THIRD REPORT

Your Committee, to which was referred Bill C-24, An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories) has, in obedience to the Order of Reference of Tuesday, February 22, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DONALD H. OLIVER  
*Chair*

**The Hon. The Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Massicotte, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1420)

## QUESTION PERIOD

### HEALTH

#### AVAILABILITY OF HEART MEDICATION IN DERAL LA

**Hon. Wilbert J. Keon:** Honourable senators, my question for the Leader of the Government in the Senate is in regard to the availability of the heart medication Inderal LA.



Honourable senators, the situation came to my attention through a letter from a patient in which she claims that she cannot obtain the drug that she needs to treat her blood pressure because it is not available. Both her family doctor and pharmacist told her that the difficulty in accessing this drug is a result of shortages related to its sale on the Internet. She contacted Health Canada and the Ontario provincial government for assistance, but was unable to achieve any results. Could the Leader of the Government make inquiries and tell us if Health Canada can do anything to help this individual obtain this particular heart medication? I repeat: It is called Inderal LA.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is of concern to the government that the operation of Internet pharmacies may create shortages of certain important drugs in Canada. This is the first report that I have had of an actual shortage. I would be delighted to refer this matter to the Minister of Health. I will look to the honourable senator to provide me with further details so that the person to whom he refers can be contacted and a statement made, the pharmacies to which she applied spoken to and the background checked. It is a matter that all of us would say is of serious import to our health care system.

**Senator Keon:** Honourable senators, I have with me the letter from the patient. I will have it photocopied and delivered to the minister's office.

As a supplementary, the *National Post*, on November 13, 2003, about a year and a half ago, indicated that some pharmacists at the time were having trouble accessing this drug from wholesalers. Perhaps the minister could look back over the past 18 months to determine if indeed this drug has not been available to patients, as it is a very important drug.

**Senator Austin:** I will look also for that story. I have written down the date. An important part of the inquiry would be to determine where this drug is manufactured and who are the pharmaceutical wholesalers ordering it. There is obviously a background story to be told here. I wish to express my appreciation to the honourable senator for bringing this matter to my attention.

## AGRICULTURE AND AGRI-FOOD

### BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

**Hon. Donald H. Oliver:** Honourable senators, my question has two parts. It deals with the federal budget and then the ongoing crisis of BSE.

Many agricultural sectors have suffered heavy losses as a result of BSE, including cow-calf operators, dairy producers, feedlot operators and producers of other ruminant livestock, and they stand to lose more with the recent court injunction in the United States that will prolong the border closure. The government could have taken several measures to address the problems faced by producers hard hit by the BSE crisis in its recent budget, but it chose not to. Some have proposed that the government should have considered tax deferrals in the 2004 Budget for producers hit by BSE. Last week the Minister of Finance mused about a cash

bailout. Could the Leader of the Government in the Senate provide us with the government's public policy direction on this proposal?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, to be succinct, all of the policies of the government are on the Agriculture and Agri-food Canada website.

**Senator Oliver:** Another proposal put forth by producers is to introduce tax incentives to increase domestic cattle and other ruminant slaughter capacity. Considering the Canadian economy has lost some \$7 billion in economic activity because of BSE, tax incentives would be a very innovative response. In view of the fact that the border will remain closed for some time, would the Leader of the Government in the Senate please offer his government's views about the idea of tax incentives to increase ruminant slaughter capacity?

**Senator Austin:** Honourable senators, as many in the chamber know, the federal government alone has provided \$1.9 billion to the cow-calf industry in direct financial support. In the last day or two, in responding to questions, the Minister of Finance indicated that the government was considering additional financial support. Also, some of the provinces have announced additional financial support.

I will refer the question of tax credits to the Minister of Finance and ask him to provide a response by way of a delayed answer.

The second part of my answer, honourable senators, relates to what Senator St. Germain has referred to in his questioning; that is, building domestic packing capacity. The government is determined to assist Canadian cattle producers by permitting a larger slaughter capacity in Canada. A new plant is underway in Prince Edward Island and another in Salmon Arm, British Columbia, led, of course, by private sector investment but with financial support from the federal government.

It is important to the cattle industry and to Canada's investment in that industry that third-country markets be developed more aggressively. Additional domestic capacity is required so that the prime cuts from Canada's beef production — and it is a prime beef production — are more widely available throughout the world.

• (1430)

I visit Hong Kong frequently — or at least I did before I became Leader of the Government in the Senate — and Canadian steaks are highly prized. Beef is referred to as Canadian beef, Australian beef or U.S. beef, and Canadian beef is the leader in restaurant requests.

**Hon. Gerry St. Germain:** Did the government leader say that \$1.9 billion has gone directly to cow-calf operators? I raise this simply because they are the most vulnerable, are the most at risk and are price-takers. If the minister is at the cabinet table and there are discussions in regard to how to assist the industry, I would urge him to seek out a special category for cow-calf operators because they are the ones with the cows on the ground. They are the ones who have to feed them. Senator Fairbairn knows well what I am talking about. If we deal with anyone it should be the cow-calf operations.



Traditionally, and even since assistance was first given out on this occasion, I do not think it has been focused in the right direction. For example, some of the monies have gone to processing plants, whereas, I believe, we should have been focusing on the cow-calf operations. I ask the minister whether he would consider urging the government to focus its assistance in that area.

**Senator Austin:** I thank the honourable senator for affording me the opportunity to correct the record. I meant \$1.9 billion to the cattle industry and, of course, the cow-calf part of that industry has also been supported, but not to that total.

In the early days of this crisis, the Province of Alberta was supplying money to the packing plants. I do not believe the federal government has done so.

**Senator St. Germain:** Honourable senators, I would hope that the focus would be on the cow-calf operators, and if the minister were to consult people in the industry, he would be informed quickly of where the assistance is the most required.

## CANADA-UNITED STATES RELATIONS

### MISSILE DEFENCE PROGRAM— LINKAGE OF NON-PARTICIPATION TO OTHER ISSUES

**Hon. Gerry St. Germain:** Honourable senators, my question relates to the fact that Canada's ambassador to the U.S. recently linked developments on the BSE file and the softwood lumber dispute with Canada's position on missile defence. I tried to put this question yesterday but I never really got an answer.

Putting aside reports that the missile defence decision was driven by internal politics—I think of the Liberal Party, which I believe is in and of itself problematic—is it this government's view that it is desirable to be making this linkage in terms of leverage? Is the government taking the perspective that there is something to be gained by adopting this posture of linking BSE and softwood lumber to the missile defence scenario?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the government does not believe in linkage in dealing with issues of trade in our bilateral relationship with the United States, nor did I take the ambassador's comment to imply linkage. I think Senator St. Germain knows that the ambassador's comment was not intended to describe linkage but to describe some public opinion in Canada, and only that.

**Senator St. Germain:** Is the leader saying, then, that the ambassador did not say what he said, and that he was not freelancing?

**Senator Austin:** I am saying just what I said.

### MISSILE DEFENCE PROGRAM—EFFECT OF NON-PARTICIPATION ON BUSINESS COMMUNITY

**Hon. Gerry St. Germain:** My concern continues in this vein because of the relationship with our American friends. Yesterday, I made reference to the fact that 85 per cent of the CEOs in this

country are concerned about this decision. They believe it could negatively impact our future trade relations and our future relations in general with the U.S.

The Leader of the Government in the Senate did not really dismiss my concerns, but he came back with a statement to the effect that there are people who worry extensively. Really, they should be worried, because basically they are the equivalent of the cabinet of corporate Canada. Just as the Leader of the Government in the Senate is a cabinet minister to the Government of Canada, they are basically the cabinet ministers to corporate Canada.

Is the minister saying that if something of a grave nature happens in the country, the cabinet's reaction really should not be taken that seriously? That is the inference that I received from the leader's response yesterday regarding this information that I, as a matter of fact, passed to him yesterday.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I really said two things yesterday, and I will say one further thing today: Certainly the survey did not put that question to all CEOs in Canada. It put the question to a small sample of CEOs, and then hypothesized where the entire business community might sit.

I did say, and Senator St. Germain agreed with me—and I think anyone who thinks about it for a moment would agree with both of us—that change is always a challenge, in the business community or any other community. When the ground rules are dynamic, obviously all of us focus more carefully on how those changes impact on us. What we are seeing in the relationship with the United States are issues in which Canada pursues its interests and the United States pursues its interests.

Also, I made it clear, relying on an excellent editorial in the *Vancouver Sun*, which I quoted yesterday, whether it was the relationship between Prime Minister Diefenbaker and President Kennedy, or prime ministers and presidents since that time and to this present time, Canadian-U.S. bilateral trade has continued to expand without any measurable impact on other parts of the relationship, and the reverse.

**Senator St. Germain:** Honourable senators, if credit is to be given, the free trade agreement, which the Liberal Party at one time was talking about dismantling, obviously must be recognized as a significant reason for that increased trade.

As the minister knows, the biggest concern with business is the perceived commitment, and whether that perception is wrong or right, that is the major concern of the business community. It was perceived that the government would go along with the United States on this particular decision, so this is change that is scary. When business makes a verbal commitment, or a perceived commitment, they generally handle it in a way that the CEO would take it.

The biggest concern is that the President of the United States is taking nine days to respond to calls, and we discussed this yesterday. Former administrations, and even the former prime minister, received calls back from the President immediately. These are the reasons for the concerns of the CEOs.

We all believe in polling or we would not be here. The honourable minister has been in politics long enough and he knows polls are fairly accurate under most circumstances. Therefore, I ask the leader, does the government not understand the grave concerns of the CEOs? What will be done to rebuild this relationship that is so critical to the well-being of their corporations?

**Senator Austin:** Honourable senators, this government has been focused on building the relationship between Canada and the United States and has done so with great success. The relationship between Canada and the United States at the level of leaders is made clear by the trilateral meeting which is taking place on March 23 in Texas, and the relationship continues at many levels of activity. We have over 300 formal agreements between the governments of Canada and the United States, and probably 3,000 or 4,000 other executive and working agreements. Most of them, if not all of them in total, are functional and beneficial.

• (1440)

With respect to the Canada-U.S. Free Trade Agreement, Senator St. Germain and one or two others here may recall that I was a supporter of the agreement, and I introduced the NAFTA agreement here in 1994 as the sponsor of that bill. There were problems, and very rightly-directed criticisms of both the Canada-U.S. Free Trade Agreement and the NAFTA. After more than 10 years, we see that some of those criticisms are accurate. Prime Minister Mulroney, if he had been successful in obtaining the waiving of anti-dumping and countervail, which was one of his initial publicly declared objectives, would have accomplished something truly great and beneficial. You may recall, honourable senators, that Prime Minister Chrétien pointed out that deficiency as one of the reasons for the Liberal Party's opposition at the time.

With respect to the concerns of corporate Canada, I am not discounting those concerns. As a businessman or as a leader in any field, I would want to feel comfortable in my environment. Sometimes, however, larger issues than business interests are involved. I know that the Canadian business community was also a bit discomfited with the decision of Prime Minister Chrétien's government not to participate in the Iraq conflict, and yet I heard no criticisms or arguments that this would destabilize Canada's bilateral relationship. This was a decision taken on a policy that was in the interests of the nation as a whole.

**Senator St. Germain:** I do not think you are accurate on that.

**Senator Austin:** In conclusion on your point, Senator St. Germain, the Conservative Party did nothing to reassure the business community by avoiding taking a public position on the missile defence debate. As I said in this chamber, the Leader of the Opposition was asked by President Bush why the Conservative Party did not take a position in support of joining the United States in ballistic missile defence. If there is uncertainty, certainly the Conservative Party bears its own responsibilities there as well.

**Senator St. Germain:** Not on my behalf. I speak for myself, as a senator.

**The Hon. the Speaker:** Supplementary question, Senator Prud'homme.

**Hon. Marcel Prud'homme:** This is not a supplementary question. I hope I will have a chance, because questions and answers should be short. I have a question for the honourable minister.

**The Hon. the Speaker:** I have put you on the list and I will see you, Senator Prud'homme.

## PRIVY COUNCIL OFFICE

### ETHICS OF GOVERNMENT APPOINTEE GLEN MURRAY ATTENDING LIBERAL PARTY CONVENTION

**Hon. Terry Stratton (Deputy Leader of the Opposition):** In 2003, Howard Wilson advised that anyone with a government appointment should not attend the leadership convention of the Liberal Party. The government's policy position is that anyone with a part-time or full-time Governor-in-Council appointment should not participate in any partisan political activity whatsoever.

Will the Leader of the Government in the Senate inform the chamber whether the former Mayor of Winnipeg attended the Liberal convention last weekend?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, to the extent that this question relates to government responsibility, I will seek an answer.

**Senator Stratton:** For the leader's information, Mr. Murray did indeed attend the convention. When asked by the media whether he felt it inappropriate for him to attend, he said that he felt it was very appropriate to attend and be there. It was not until he was informed of the ruling by Howard Wilson that he virtually fled the convention hall, having been informed of the conflict of interest that he faced. Perhaps the minister can verify that as well.

**Senator Austin:** Certainly, to the extent that this is relevant to the government, I will make inquiries. However, if the facts are as Senator Stratton puts them, then I would say that there can be no concern with respect to Glen Murray's behaviour.

**Senator Stratton:** I would object to that decision because it goes to the ethics of the whole situation that our Prime Minister has vowed to change, that his government would be above reproach and be highly ethical. Here we have someone with a GIC appointment to a supposedly very ethical position, as chair of a round table on the economy and sustainable development, and his ethics are already being called into question. How can an individual serve as chair of such a committee and be deemed to have integrity and honesty if he felt that there was nothing wrong in attending the Liberal convention?

**Senator Austin:** Honourable senators, I thought I heard Senator Stratton say that Mr. Murray was not aware of the Howard Wilson ruling, or of any rule preventing him from being there. If he was not aware, then the issue was not a decision on his part to act contrary to any ethical standard to which his attention had been drawn.



**Senator Stratton:** On the contrary, I think that it goes to the very core of the questions of ethics. If he is indeed a man of ethical character, he would have known that he should not have attended that convention.

**Senator Austin:** Honourable senators, there is a rule that presumes that someone acts in good faith. I have heard the evidence from Senator Stratton on the record now that Mr. Murray was not aware. In other words, he was acting in good faith. The moment he was made aware of the rule, he removed himself.

## THE SENATE

### APPOINTMENT OF WOMEN TO FILL CURRENT VACANCIES

**Hon. Marcel Prud'homme:** Honourable senators, I would like to follow the advice given yesterday that questions and answers should be short.

This is International Women's Week. I have suggested often to the leader, and to everyone who wants to listen, that the time has come to appoint more women to the Senate. In this, I am serious. I had a good education from my mother, who voted for the first time at the age of 49, after having fought all her life for that right.

There are now 16 vacancies in the Senate. The Prime Minister of Canada has the option, before the end of this year, of bringing the membership in the Senate to 53 women and 52 men. I have suggested that previously, and I am serious. I see some macho men smiling and others looking worried.

The time has come for this kind of equality, and we would be the first country in the Western world to have it. That would not stop us from changing the Senate, be it by electing it or abolishing it. In the meantime, Canada should show the way for the rest of the world.

Will the minister relay to the Prime Minister our wish that he consider appointing women until there are 53 women and 52 men in the Senate? Thereafter, we could proceed in the usual way.

**Some Hon. Senators:** Say yes!

**Hon. Jack Austin (Leader of the Government):** Honourable senators, as before, I will carry Senator Prud'homme's submission to the Prime Minister for his consideration.

**Senator Prud'homme:** It is a good suggestion.

• (1450)

**Senator Austin:** Honourable senators are aware that the prerogative of appointing senators is entirely that of the Prime Minister under Order-in-Council of 1935. As a member of the government, it would be exceeding my role to make a public declaration of my advice. However, I shall report to the Prime Minister the mood of the chamber at this moment.

**Senator Prud'homme:** He has "an option" — remind the Prime Minister of that well known phrase.

## PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, before going to Orders of the Day, I should like to introduce guests from the House of Commons. We have with us as a guest page Lauren Hurst of Richmond, British Columbia. Lauren is pursuing her studies in the faculty of social sciences at the University of Ottawa. She is majoring in international development and globalisation.

Welcome to the Senate.

[Translation]

Rachelle Anctil is from Giroultville, Alberta. She is studying in the faculty of social sciences at the University of Ottawa, where she is majoring in international development and globalization.

We welcome you to the Senate.

[English]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** I should like to call government business in the following order: First, Bill S-18, followed by Bills C-39, C-12 and C-6.

### STATISTICS ACT

#### BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

**Hon. Bill Rompkey (Deputy Leader of the Government)** moved third reading of Bill S-18, to amend the Statistics Act.

**The Hon. the Speaker:** Do you wish to speak, Senator Rompkey?

On motion of Senator Comeau, debate adjourned.

### FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill C-39, to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment.



**Hon. Wilbert J. Keon:** Honourable senators, I am pleased to offer some remarks today on Bill C-39. This bill will amend the Federal-Provincial Fiscal Arrangements Act to implement the first ministers' health accord of September 2004, known as the 10-year plan to strengthen health care.

The accord commits the federal government to provide the provinces and territories with \$41 billion in health care funding over the next decade. This is a significant amount of money and the provinces will clearly welcome it after a decade or more of budget cuts.

Senator Carstairs carefully detailed the expenditures in her speech, so I will not revisit them in detail. I do, however, wish to raise some important issues.

I am of the opinion that this piece of legislation must be passed quickly. Simply put, the provinces need to receive the money they were promised last fall. However, my support of the passage of this bill should not be mistaken for an endorsement of the current direction of our health care system or the way it is funded. Somehow, we must come to the realization in this country that money alone will not fix the many problems that have taken root in our health care system.

The debate surrounding Bill C-39 affords me the opportunity to register my deep concerns about the health accord on two fronts: first, its lack of accountability, and second, its failure to strengthen primary care and community care. If we are ever to see meaningful and lasting change, these areas must be properly addressed.

Under this accord, considerable sums of money will be given to the provinces with no coherent plan for their use, no assessment of the quality of results, and even without making sure the money will actually go where it is intended. I believe it is not asking too much for those who use the system and fund it through their tax dollars to receive better accounting.

In the near future, Canadians will expect specific measurements from their governments on how this \$41 billion has been applied to lower their wait times or to increase the number of health care professionals in their areas. This will be especially true if Canadians do not see results.

A 10-year, \$5.5-billion wait times reduction transfer is created under this bill. The sum of \$4.25 billion will be paid into a third-party trust fund, which will be advanced to the provinces over the first five-year period, and beginning in 2009-10, \$250 million will be provided in an annual transfer.

The accord states that the wait times reduction transfer will be targeted for such areas as clearing blockages and training and hiring more health care professionals. The federal government rightly believes that the provinces will draw on most of these funds as soon as they are paid into trust.

This is a good example of the lack of shared accountability. What would happen if the money is drawn down and Canadians still do not see an improvement in the length of time they must wait for diagnostic tests or surgical procedures?

At some point in the future, the provinces and territories may very well say that the funds provided to them are insufficient to resolve these problems. They might then demand more money from the federal government, and we all know what will happen next.

Just as the federal government must ensure that the money it provides to the provinces is well spent, the provinces must be held accountable in how they carry out their constitutional responsibilities.

Clause 25 of the bill states that a committee of either or both Houses of Parliament will review the progress in implementing the health accord no later than March 31, 2008. A similar review will be held every three years. Beyond these parliamentary reviews, there is nothing in the bill before us that ties transfer payments to compliance.

In 2000, the first ministers committed to regular health reporting. The 2003 First Ministers' Accord on Health Care Renewal negotiated under the previous Liberal government contained an accountability mechanism that is curiously absent from the deal now before us. That health accord included performance indicators to measure timely access, quality, sustainability and health access and wellness. Although it was not perfect, the method of measuring progress was a good start.

Unfortunately, last year's health accord does not build upon what was established in the past. For example, in the area of wait times reduction, some benchmarks do not have to be established until the end of 2007. Also, health ministers do not have to report on steps to fulfill the home-care component of the accord until the end of year 2006.

Under the accord, a one-time payment of \$500 million will be provided to the provinces and territories for diagnostic and medical equipment. The bill states that this fund will also go toward specialized staff training with the ultimate goal of improving access to diagnostic and treatment services.

The provinces will receive this money on an equal, per capita basis.

• (1500)

Honourable senators may remember that not too long ago, we learned that approximately 30 per cent of a federal medical-equipment fund, established in 2000, had been used to buy such items as icemakers and lawnmowers. It is possible that such misuse could occur again. Although we may hope that it would not, I see nothing here that would prevent a similar situation.

Under this deal, hospitals will be the main beneficiary of the increased funding. While the portion of spending on hospitals has declined over the last 30 years, the Canadian Institute for Health Information reports that hospitals remain the single largest component of health care funding in 2004, at about 30 per cent.

Hospital funding is based upon large global budgets that do not account for the amount or quality of work that is done, but are, instead, based on historical spending patterns. It is clear that our health care system still revolves around the notion of hospitals and doctors, despite the fact that today many services can be provided in other settings by a wide variety of health care professionals.

In my opinion, the single-minded focus on hospitals and doctors as the main provider of health care is inefficient and quite costly and is, therefore, unwise. A team-based, multidisciplinary approach to care must be our guide, and the emphasis must be at the primary care and community level — where we can intelligently deal with access, emergency care, home care and public health issues.

The 2003 Health Accord preferred to primary care as, “the key to efficient, timely, quality care.” Primary care is ideally available to patients around the clock, and can be tailored to fit a community’s needs based on its location or the make-up of its population. Primary care centres on the diagnosis, treatment and management of chronic conditions, as well as illness prevention and health promotion. It also incorporates community care and home care services, such as support programs after hospitalization.

Primary health care is not a new idea, but it is one that has yet to be supported in our country in the way I believe it should. The facts speak for themselves — there are currently almost three times as many hospital in Canada as there are primary care clinics or community clinics. Can you believe that? You would think there should be 100 times as many primary care and community clinics as there are hospitals. What has gone wrong?

If we remember the report of the Romanow Commission in 2002, primary health care was described as not being a single program that can be rolled out across the health care system. Instead, it is about bringing transformative change to the way in which the system works.

The Romanow Commission was of the opinion that no other initiative holds as much promise for improving health and sustaining the system as a whole. The commission also argued that primary health care could save Canada money in terms of our future investment in the health care system, although I must add that it is extremely difficult to quantify what those savings might be.

However, having the most appropriately qualified health care provider deliver a service to patients is bound to be more cost effective. It would also allow doctors to spend more time doing what only they are qualified to do.

Honourable senators, instead of our over-reliance on hospitals, we should place more of our concentration on building up a primary care, community care, home care and public health. However, the health accord does not put enough thought into such a plan. In my view, this is a grave oversight, as it is an area we desperately need to focus on.

The accord states that first ministers will establish a best-practices network to share information, and overcome the barriers to primary health care reform. They also agree to make regular progress reports. These are small steps forward, not the bold and innovative thinking that is required at this time.

Our own Standing Senate Committee on Social Affairs, Science and Technology gave consideration to primary care reform in its 2002 report, which looked into the federal role in health care. The committee identified several barriers to the implementation of primary care reform. These include shortages of qualified personnel, competition between the different professional groups and the absence of an electronic-information infrastructure.

It is believed that electronic health records are crucial to primary care reform. Ideally, they would contain a person’s general information and their health records, including their drug history and the results of laboratory or diagnostic tests. Their development is in an area where the Social Affairs Committee believes the federal government could take a leading role.

On this point, the health accord commits the first ministers to work with Canada Health Infoway to accelerate the development and implementation of electronic health records, including e-prescribing. The goal is to have electronic health records for half of Canadians by 2009, and full coverage by 2020. Canada Health Infoway has received over \$1 billion in federal funding since it was established in 2001, but electronic health records are still not widely used in our country.

The Health Council of Canada released its first report in January 2005. The report’s findings can be summarized in just a few words: We are moving too slowly. It stressed that we must accelerate the use of collaborative health care delivery as the basis of primary health care reform. The health council also emphasized the need to remove regulatory barriers against these multidisciplinary teams, and the need to move forward with the electronic patient record.

Again, I return to the 2003 First Ministers’ Accord on Health Care Renewal to make a comparison, as that deal viewed primary care reform as the key to efficient and timely health care. Despite the uniform recognition that Canada must strengthen primary health care, governments have yet to follow through. While there appears to be widespread support among the public, and some positive steps have come from governments, primary care reform has not been significantly advanced by this health accord.

Honourable senators, as I said at the outset, I believe that Bill C-39 must pass, and the funds must flow to the provinces. I will do what I can to see this happens expeditiously. However, we must be careful about our next major investment in health care, as it is clear that we cannot continue along the same path. I look forward to the committee’s review of this bill.

**Hon. John G. Bryden:** Would the honourable senator take a question?

**Senator Keon:** I would.



**Senator Bryden:** This is a bit of a comment as well as a question. I could not agree more with the honourable senator in his analysis that the improvement in our health care system will come at the primary care level and the community level. The statistics relating to the numbers of hospitals in Canada, vis-à-vis the number of clinics and team approaches, is exactly what the problem is.

One of the problems that my province is facing — and a good number of provinces are facing — is that we have roads blocked at the moment in Northern New Brunswick because a community hospital will be turned into a health care centre. This hospital is not the first one and is not likely to be the last one. What may be missing, and perhaps the honourable senator would comment, is that what the hospital means to these communities is far more than health care. Indeed, most of the people who live in the community, if they have a serious health problem, do not go to the local hospital. They go to the regional hospital where they can get full service.

• (1510)

The main concern in these communities is jobs. When you turn a community hospital — with all of its support staff and all of the things that need to be done around a hospital — into a health care centre, the impact on the jobs of ordinary citizens in each of those communities is tremendous.

Has the honourable senator, or anyone else, thought about a transition fund or funding, or a transition task force to help these communities and the people who live in these communities during the transformation into a primary care system that will either give priority to people who work in the hospital, or indeed — and this is a terrible word — provide buy-outs for those people who are in their 50s and early 60s and whose only working life has been as orderlies, and so on, at these hospitals? There is no question that that is the major stopper in rural Canada and small community Canada, in my opinion, to being able to reach the goal that I think everybody wants to reach, including the Government of the Province of New Brunswick. It is difficult to get there.

**Senator Keon:** I thank the honourable senator for his question. Honourable senators, I assume I will get the same amount of time to respond as it took for the honourable senator to ask his question.

Senator Bryden raised a very important issue. Health restructuring has been done so badly. All of us involved in health care over the years as health professionals, administrators, and so forth, have really not delivered in the way that we should have. We allowed this to happen sometimes because we just did not want to go against the grain, and so forth.

The reality is that various provinces have looked at their hospital structure and, seeing that they had excess hospital beds, and vowed to close out the excess capacity. They then made an even bigger bungle, because they closed the cheap little hospitals and dumped their patients into the big hospitals. Thus, as opposed to a hospital bed running at \$200 a day, they put deliveries into a facility that is costing \$1,100 or \$1,200 a day. That has to be an almost idiotic decision, really.

The real flaw occurred because of the chronic shortage of money. Money comes on a year-to-year basis, and nobody put out the money to build the primary care system first before taking the hospitals out. This struck terror in the hearts of the local citizenry, and everybody is protesting about their hospital being closed, and so forth, because there was nothing available in its place.

The Senate committee tried to deliver the message that some money has to be spent. This money must be for change, not to simply propagate what is already there. It must bring about change. The most important change, in my opinion, is to build community-based primary care that is linked to emergency care, public health, custodial care and the palliative care that Senator Carstairs has spent so much time on and achieved so much, I must say. We must collectively continue to harp on that, or we will not go anywhere. That is what I was trying to do today.

**Hon. Pierrette Ringuette:** The issue of the hospital situation in New Brunswick has prompted me to comment. I remember not too long ago — 15 years ago — the Edmunston Regional Hospital, a brand new hospital, having fewer beds and three administrative persons. We built this new hospital with fewer beds, but with an entire third floor of office space for administration. Two weeks ago, I visited a friend in that new hospital, and I noticed that some construction was going on on the second floor. I asked what was going on and if there was to be some new equipment. The reply was, “No, no, we are removing one bathroom because we need more office space.”

Where do we recognize that the mission of our health care system is to deliver health care and not to deliver administration to the system? You can overburden a system and bypass the object of a system with administration perplexity and complexity and not deliver on your primary mission, which is delivering health care. I seek the guidance of the honourable senator on this matter.

**Senator Keon:** I thank the honourable senator for her question. I can only agree with what she has said. Again, we have allowed bureaucracy to grow wild. We should never have allowed this, and we must reverse it.

Last summer, Senator Kirby and I gave this matter a great deal of thought, and we put out a provocative paper suggesting that what we need in health care is competition. Unfortunately, somehow this was misconstrued, and people thought we were advocating a public-private system, which we were not doing at all. We simply said, “Within the public system, let us have some competition and bidding, the way we do in other industries.” We would not allow the contracts for our highways, and so forth, to be let without two or three tenders. In health care, we do not need that. We just need a bunch of bureaucrats who decide where the money will go, and it goes in big lumps.

We need to get out of this way of thinking. We need to dedicate ourselves to getting out of it. We must continue to harp on it. The money that is coming forth is needed. We must be really sure that this money changes things forever, and that it does not find its way into these hugely expensive facilities that are bankrupting the system and leaving nothing at the community level.



**Hon. Anne C. Cools:** Would the honourable senator share more of his vast experience in the health care field and medicine? I was following the last exchange. It may be said that the nature of bureaucracy is that bureaucracy begets bureaucracy. Senator Keon more or less said that we have regrets — “we” meaning the profession, perhaps, collectively — and perhaps should not have allowed the bureaucracy to grow in the way that it has. However, that is the nature of bureaucracy. It is almost as if it wakes up every morning with a bottle of instant bureaucracy and they dip out a teaspoon and stir it into a cup of water and more bureaucrats come out.

I have watched the Senate here become burdened in bureaucracy to the extent that it is difficult for senators to operate and to function, to my mind, properly because of so much bureaucracy. I wonder if, in the work that Senator Kirby and Senator Keon have been doing in their studies — I have not followed it that closely, so perhaps you have already done so — have you studied how to keep bureaucracy under control?

• (1520)

**Senator Keon:** I do not think we have studied this matter sufficiently, and when I say “we” I mean Senator Kirby and myself. We wrote one paper because the committee could not sit, but other members of the committee are here who make enormous contributions. It is not just the two of us. We will continue as a committee for as long as we can.

We have not given enough thought to this matter; we must give it more. We must start developing a total intolerance for some of the things that are going on. For example, in my own institution, I was told by the bureaucracy that I was not spending enough on administration. I was told that I could not be running the place properly, since I was not spending 30 per cent on administration; I was only spending 10 per cent. I said that the reason is that I let the people who are touching the patients run the place. I received a great deal of credit for running a wonderful facility. In fact, it was the people who were touching the patients who made it humanitarian.

We are all obliged to do something about this situation. There is far too much money being spent. Up to 30 per cent of our health spending is going into bureaucracy and it is definitely not needed. We would be better with about half of that.

**Hon. Francis William Mahovlich:** Honourable senators, years ago I had an operation. How much time does a doctor spend just on paperwork? I know he operates in the morning and cares for his patients, but how much time goes to paperwork in a day?

**Senator Keon:** It depends on the physician. If you are a junior person on the medical staff, you spend a great deal of time because you must do your own paperwork. If you are blessed to get into a position of authority, then you can hire people to do your paperwork, and you should, since they do it better.

**Senator Cools:** More bureaucracy.

**Senator Keon:** That does not mean that you need an excessive number of such people; not at all.

**The Hon. the Speaker:** Since no further senator is rising to speak, I would ask honourable senators if they are ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker:** When shall this bill be read the third time?

On motion of Senator Carstairs, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

[Translation]

## DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

THIRD READING—SPEAKER'S RULING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth for the third reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts

**The Hon. the Speaker:** Honourable senators, you will recall that on Wednesday, February 23, when Senator Banks moved third reading on Bill C-6 which establishes the Department of Public Safety and Emergency Preparedness, Senator Cools raised a point of order. The purpose of the point of order, as Senator Cools explained, was to claim that Bill C-6 requires Royal Consent.

[English]

According to the senator, there are two basic interrelated reasons why Bill C-6 requires Royal Consent. The first is that the bill deals with matters that involve the prerogative powers of the Crown. The numerous prerogatives that Senator Cools said are affected by this bill involve pardons, mercy and clemency. In support of her position, the senator made reference to several authorities including, specifically, the Letters Patent of 1947 regarding the office of the Governor General of Canada, in particular Article XII and the authority to grant pardons. Associated to this, Senator Cools stated, is the fact that the bill “attempts to alter, jettison or abolish the position of Solicitor General.” If I understand the senator's position correctly, such an action cannot be done without Royal Consent because the Solicitor General is a law officer of the Crown, and, as such, belongs to the office of the Queen, or the Queen's representative, the Governor General.

[Translation]

At the outset of her presentation on the point of order, Senator Cools explained that she had waited deliberately until the Senate had come to the third reading stage of Bill C-6 in compliance with previous Speaker's rulings. These rulings acknowledge that, according to established practice, Royal Consent on a C-bill need not be signified until it reaches its final stage in the Senate if it has not been granted in the other place.

[English]

Following Senator Cools' initial intervention, three other senators spoke to the point of order. Senator Rompkey, the Deputy Leader of the Government argued that the point of order, in not being raised promptly, was now out of place as an objection. More to the point, Senator Rompkey asserted that Bill C-6 does not affect in any way the prerogative, hereditary revenues, personal property or interests of the Crown. As the senator maintained, "This is a change in government departments which we have acknowledged from time to time on both sides of the House is the prerogative of the advisors of Her Majesty."

[Translation]

For his part, Senator Kinsella, the Leader of the Opposition, supported the point of order because, in his view, Bill C-6 affects an office of the Crown. Consequently, in seeking to abolish the office of the Solicitor General, there is a clear need, in the Senator's opinion, to secure Royal Consent.

[English]

The sponsor of the bill, Senator Banks, then spoke to challenge the merits of the point of order. The senator took note of the fact that the position of Solicitor General in Canada is not the same as in the United Kingdom. He also explained that Canada did not always have a Solicitor General. This being so, Senator Banks argued that "The connection between the majesty of the Crown and the office of the Solicitor General in Canada, which is vastly different from that the office of the Solicitor General in the United Kingdom then or now, has not been made. There is no point of order."

[Translation]

After Senator Cools made a final statement, I agreed to take the question of the possible requirement for Royal Consent under advisement. In keeping with established practice, I also informed the Senate that debate at third reading of Bill C-6 could continue.

[English]

I wish to express my appreciation to all honourable senators for their participation on this point of order. As Senator Cools stated, the question of Royal Consent has come up several times in recent years. In this particular case, there are two questions to be answered based on the arguments that were made: Are the prerogative powers of the Queen or the Governor General being affected by this bill? Does the abolition of the Solicitor General as an officer of the Crown require Royal Consent?

[The Hon. the Speaker]

[Translation]

In looking to answer these two questions, I will put aside the objection to the point of order that was made with respect to timeliness. While there was nothing to prevent anyone from raising a point of order about Royal Consent earlier, Senator Cools is right in noting that the need to secure Royal Consent for a C-bill that is deemed to require one, if it has not already been obtained in the other place, must be no later than when third reading of the bill is finally put to a vote here in the Senate.

[English]

As Speaker, my role is to rule on points of order, citing the relevant authorities or practice applicable to the case. Most points of order relate directly to the conduct of business in the Senate; such is not the case in matters related to Royal Consent. To determine the merits of this point of order, I have been obliged to look into subject matter that is somewhat beyond the normal purview of the Speaker. To the extent I have been required to do this, I hope to have the Senate's indulgence and understanding.

• (1530)

The first question to be answered deals with the alleged effect of Bill C-6 on the prerogative powers of the Crown. Among the powers identified by Senator Cools are mercy, clemency and pardon. These powers date back in England to medieval times, and to the extent they still exist in Canada, they are part of our constitutional heritage. They are powers invested in the Crown that are exercisable by the Governor General upon the advice, depending on the nature of the offence, of either the Privy Council or at least one minister according to Article XII of the Letters Patent of 1947. I note that no specific reference is made to the Solicitor General in Article XII.

Prerogative powers, despite their long history, need not be forever immutable. They can be abolished or limited by statute. Once these powers have been eliminated or curtailed by law, the powers of the Crown are appropriately restricted. When Parliament seeks to limit or abolish these powers, Royal Consent is required. Through the signification of this consent, the Crown acknowledges that its prerogative powers are being affected by proposed legislation and concedes to Parliament the authority to consider the matter.

I listened closely to the discussion on the point of order on February 23, and I read the *Debates of the Senate* afterwards to better understand the nature of the arguments that were made. I also looked into the substance of Bill C-6, the purpose of which is to establish the Department of Public Safety and Emergency Preparedness. Despite the allegation that the prerogative powers are being affected, I have neither heard nor read anything that supports the claim. There is nothing in the bill to suggest that any of the prerogative powers themselves are in any way restricted or restrained, let alone abolished. There is nothing to lead me as Speaker to believe that Royal Consent is required due to any limitation on the prerogative powers of Article XII being imposed through Bill C-6.



It may be, however, that the claim regarding the prerogative powers is founded not so much on their direct restriction, but rather through the abolition of the position of the Solicitor General. This is the second question that I identified in the point of order.

The claim being made, as I understand it, is based on the assertion that the Solicitor General is an officer of the Crown. This view is founded largely on the history of the office in the United Kingdom. The position of Solicitor General has existed in England for centuries. In modern times, as was explained, the British Solicitor General functions as a sort of Deputy Attorney General. In the United Kingdom, the position is styled Her Majesty's Solicitor General for England and Wales. In former times, there were several Solicitors General, of which some were actually listed as members of the Royal household, particularly that of the Queen consort, a situation that is still true, as Senator Cools stated, for the holder of an equivalent position in the household of the Prince of Wales.

The history of the Solicitor General in Canada is very different. It is not equivalent in its history to the position in the United Kingdom. Contrary to what was claimed during the point of order, the Solicitor General is not a constitutional office; there is no mention made of a federal level Solicitor General in the Constitution Act, 1867. Indeed, according to the information that I have obtained, the office of the federal Solicitor General was first created by statute in 1887, though not proclaimed in force until 1892. It was not originally a cabinet level position, and it was occasionally left vacant, sometimes for several years at a time. It was not until 1917 the first Solicitor General was sworn to the Privy Council, and it was not until 1926 that this practice became consistent. For a two-year period in 1950, the duties and functions of the Solicitor General were transferred to the Minister of Justice and Attorney General. In 1966, the old Solicitor General Act was repealed and the new act was adopted creating the Solicitor General of Canada as a ministerial office.

Almost 15 years ago, an attempt was made to restructure the portfolio of Solicitor General into a new public security function. None of these bills or acts presented to Parliament, so far as I have been able to determine, obtained or required the signification of Royal Consent.

Furthermore, having been established by statute law, I see no reason why the abolition of the Solicitor General, or rather the transfer of authority and responsibilities of the old position into the expanded position of the Minister of Public Safety and Emergency Preparedness, by new legislation would require Royal Consent. I have found no evidence to convince me that the objectives of Bill C-6 affect the prerogative interests or personal property of the Crown in any material way so as to require Royal Consent.

Accordingly, it is my ruling that the point of order is not well founded and that there is no requirement for Royal Consent with respect to Bill C-6. Debate at third reading may continue to its conclusion, as there is no impediment to making a decision with respect to the third reading motion.

On motion of Senator Cools, debate adjourned.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### BUDGET—STUDY OF STATE OF HEALTH CARE SYSTEM—REPORT ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—study on mental health) presented in the Senate on February 24, 2005.—(*Honourable Senator Cook*)

**Hon. Wilbert J. Keon:** Honourable senators, I move the adoption of this report, standing in the name of Senator Cook.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed

Motion agreed to and report adopted.

## NATIONAL SECURITY AND DEFENCE

### BUDGET—STUDY OF NATIONAL SECURITY POLICY— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on National Security and Defence (budget—study on the necessity for a National Security policy) presented in the Senate on February 24, 2005.—(*Honourable Senator Kenny*)

**Hon. Joseph A. Day:** Honourable senators, Senator Kenny is travelling with the National Security and Defence Committee in Western Canada and, as such, has asked me to move the adoption of this report of his behalf.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Tkachuk, debate adjourned.

• (1540)

## BUDGET 2005

### INQUIRY—DEBATE ADJOURNED

**Hon. Noël A. Kinsella (Leader of the Opposition)** rose pursuant to notice of February 24, 2005:

That he will call the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 23, 2005.

He said: Honourable senators, I rise to initiate debate on this inquiry that calls the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 23, 2005, and tabled in this chamber on the same day. Before delving into the details of the budget, it might be helpful to consider the nature and function of a budget.



Webster's dictionary offers several definitions of the word "budget," all of which are applicable. First, a budget is defined as a statement of the financial position of an administration for a definite period of time, based on detailed estimates of planned or expected expenditures during the period and proposals for financing them. Second, budget is defined as a plan for the coordination of resources and expenditures. Third, budget is defined as the amount of money available, required, or assigned to a particular purpose.

From an accounting perspective, a budget is usually a relatively short-term plan, typically dealing with the next year. The short-term plan results from a decision-making process that chooses among alternative solutions to operating or financial problems within prescribed policy limits. That decision-making process, in turn, comes on the heels of a policy formulation process that establishes the basic ground rules and limits within which decisions are made.

Honourable senators, a budget has several purposes, with the principal one being, in essence, a planning process rather than the more commonly held view that it is a process to establish expenditure limits. The budget process should compel the government to closely review all aspects of its objective, the methods to achieve them and the associated costs. One effect should be that those involved will quantify plans, and test those plans against standards of desirability and feasibility. There is an opportunity to review and anticipate possible changes in the underlying environment that may have a significant impact on the overall plans of the government. A desirable outcome of the budgetary process is that it will aid in the development of a formal statement of both the ends and means, serving as a guideline against which to measure actual performance.

In brief, a budget is the culmination of a decision-making process. A budget may be considered as a quantitative expression of the immediate objectives of the government and the manner in which it plans to finance its operations during course of the year.

On the website of the Department of Finance, the budget is described as "a blueprint for how the Government wants to set the annual economic agenda for Canada."

Honourable senators, a question that needs to be asked is how good is this blueprint? If we are working with a blueprint that contains significant errors, clearly the result will likely be unsatisfactory. The current budget has numerous flaws. It is too slow to implement personal income tax cuts, which are minor. It proposes an expenditure of billions of dollars to implement the Kyoto Protocol without addressing real environmental issues. It takes five years to deliver a bureaucratic child care program, while providing no direct assistance to Canadian parents. It does little to assist rural Canada, and to assist education. After a decade of neglect, it takes five years to provide additional resources for our military, without any clear plan. This government continues to place billions of public dollars in the hands of private foundations that are beyond the scrutiny of Parliament and the Auditor General.

[ Senator Kinsella ]

Honourable senators, Canadians went to the polls eight months ago. During the course of the election campaign, the Prime Minister said that Canada could not afford tax relief and increases in spending for the military. That claim was based on the government's budget, which proved to be incorrect. The money was there. Even worse, the government seemed to be totally unaware of the size of the error, despite the fact that the end of the fiscal year had come and gone. We all understand that the environment can change during the course of one year, which makes accuracy difficult to achieve and more a laudable goal than a probable outcome. The budget is based on forecasts by skilled professionals, and is set in stone at the time of release.

However, a competent government should be tracking variances from the forecasts throughout the year. A competent government should be able to provide progressively more reliable predictions as the end of the period draws nearer. The fact that the Prime Minister and the Minister of Finance were not able to do so suggests that there is a systemic problem either in the process or in their approach to keeping Canadians fully informed of the facts.

Since the election, the government has made more than \$55 billion in new commitments. Some of the measures in the budget were those proposed by the Conservative Party — measures previously resisted by the government. For example, Conservatives have long argued for tax relief for low- and middle-income Canadians. This budget has finally taken some timid steps in that direction. Reduced corporate taxes help to stimulate the economy, create jobs and, ultimately, raise government revenue. This budget has recognized, at last, the validity of this policy, which was advocated by the Conservative Party of Canada.

The inadequacy of defence spending has been at the forefront of Canadian concerns, and the Conservative Party of Canada is a chief advocate for additional money for our Canadian Armed Forces. At least this budget has begun to address this continuing problem. Other measures contained in the budget, including the tax credit for adoption expenses and the elimination of the excise tax on jewellery, came directly from initiatives undertaken by Conservatives. The platform of the Conservative Party of Canada included improvements to the caregiver tax credit that is now found in this budget. Removal of the Canadian Agricultural Income Stabilization cash deposit requirement, the subject of a Conservative supply debate and a defeated motion in the other place, is now found in this budget.

• (1550)

Honourable senators, unfortunately, many of the steps taken by the Minister of Finance do not go far enough or fast enough to have a substantial impact on the well-being of Canadians. There has been a lengthy delay to the future of substantial tax relief for business: tax relief that will grow the economy, create jobs and enhance government revenues to, in turn, help fund higher priority programs.

Turning to the topic of taxes, on budget day Canadians opened their morning papers to the news that later that day the Minister of Finance was going to cut their taxes by raising the basic



personal exemption to \$10,000. That issue has been the subject matter of questions in this house, and it behooves us to ask questions, for how that news left the secure confines of the Department of Finance is a matter that does not appear to have excited any interest in government circles, although it is a matter of serious concern that I will address later.

Despite the grand sound of the measure, a closer look at the fine print reveals that an individual's taxes will drop next year by the princely sum of \$16. Four years from now, the tax break will amount to \$192. This is still not a king's ransom, but for many low-income Canadians it will be helpful, provided that the entire amount is not taken from their pockets by other means.

Even with this tax reduction, the government expects that in the year 2009 it will collect 35 per cent more in personal income taxes than it did last year. Revenues from personal income taxes continue to rise faster than any other revenue category. This continuing increase in a time of surpluses does not reflect well on the government. The budget does not change the fact that the highest marginal tax rates are faced not by the wealthy but by low- and modest-income families with children. Add together federal taxes, provincial taxes, EI, CPP, the clawback on the GST credit, the clawback on the Canada Child Tax Benefit, the clawback on the National Child Benefit and, in some provinces, other income-tested benefits, and you have the equivalent of marginal taxes in excess of 60 per cent. For some larger families, the marginal tax rate will be in excess of 80 per cent.

Honourable senators, the budget also announced a change in the way EI premiums are set. In the future, rates will be set to cover the cost of the program, with a limit on the size of a year-to-year change to help ensure that the rates are stable and predictable. Expert advice will be taken into account. In other words, the budget proposes to establish a system much like the one that was previously thrown out by the government to enable it to set the rates at an artificially high level.

Honourable senators, over the past eight years, the government has built up a \$48 billion surplus in the Employment Insurance Account. Because the money was being spent as fast as it came in, those who argued that the surplus would help the premiums from rising during the recession were wrong.

Giving authority to set the rates to the EI commission should mean that Canadians will enjoy a reprieve from the practice of using EI premiums as just another tax. The budget does not address the EI account itself, and the paper surplus that it contains. That surplus will play no role in rate-setting decisions. In other words, the surplus is effectively an interest-free loan to the government from Canadian workers. There is no acknowledgment in the budget that the EI surplus was built under a false pretext.

I will now turn to child care. The budget commits the federal government to providing \$5 billion over five years to the provinces and territories in support of an Early-Learning and Child-Care Initiative. However, there does not appear to be a finished plan to support this allocation. Five billion dollars surely is a considerable amount of money to confer without a clear articulation of the objectives of the initiative. It is a matter of

considerable concern that huge sums of money are being set aside without anything resembling a clear purpose or focus. It appears that this money will not benefit the more traditional family arrangements for child care. Families with one parent staying home to care for the children will be helping to pay for those who make other arrangements. A more workable national child-care proposal might offer families direct assistance from tax breaks rather than offering unpalatable alternatives.

Let us speak for a moment about the standard of living enjoyed by Canadians. This budget devotes an entire chapter to an analysis of the current demographic state of Canada. Regrettably, not enough is done to enhance productivity in this budget. Our neighbours to the south have been chalking up gains in productivity while Canada has been losing ground.

Honourable senators, we are all well aware of the serious realities of the current demographics of our country. The crunch is coming. We can see it clearly in the numbers. It is completely predictable and almost completely unavoidable. If high-priority social programs are to be available to Canadians when they require them, greater attention must be paid to growing our standard of living, and this means that government at all levels must encourage investment in Canada's productive capacity. Taxes must be brought down. The regulatory environment must be streamlined. We need to reduce the national debt more rapidly, and education and training must be actively encouraged.

When reality is compared to need, reality shows that the past three years have seen the value of R&D performed by Canadian business declining from a peak of \$13.8 billion in the year 2001 to \$12.5 billion last year.

The subject of post-secondary education received only nominal attention in the budget speech. The Minister of Finance stated: "Reducing debt, in a reasonable and measured way, relieves a big burden on future generations."

In the last decade and a half, university tuition has climbed dramatically, and the statistics have been well documented and widely reported. The average undergraduate science and arts student pays nearly \$5,000 in tuition alone, and an individual in a professional program has an average tuition cost of over \$12,000. There is clearly an increasingly overwhelming burden being shouldered by Canadian post-secondary students and the statistics suggest that, unless real leadership is demonstrated by the federal and provincial governments, costs will continue to soar.

The budget also paid little attention to the need for research and innovation. If Canada is to be in the vanguard of innovation, a significant investment of resources in this important area is required. Sustaining the status quo is not sufficient. This issue should have received much greater attention than it did.

• (1600)

Recommendations put forward by the Canadian Alliance of Student Associations suggest a clear path for improvement, but it must be understood that these are only measures to help alleviate problems in the short term. We must re-analyze how we deliver post-secondary education in this country.



Re-analyzing how we deliver post-secondary education means looking at the best practices of other countries. For example, Ireland's experience in the last decade is an interesting — indeed, instructive — success story, a story in linking access to post-secondary education to a healthier economy and, as a result, a higher standard of living. Canada can study models such as the Irish one and learn from its experience, as well as that of other nations. Doing so will require the cooperation of both levels of government, and both levels must be willing to explore new options with a sense of open-mindedness.

Turning to the matter of defence, honourable senators, after years of neglect the budget has announced new funding for the Armed Forces. However, there are two big problems with the announcement in the budget. First, there is a significant element of back-end loading, meaning that much of the money promised will not actually arrive until four or five years from now. Second, while the budget trumpeted the amount as \$12.7 billion, much of it had already been announced.

Last week, our own Standing Senate Committee on National Security and Defence held public hearings in Western Canada. On February 28, in Vancouver, former Vice-Admiral Chuck Thomas, Chief of Defence Staff, told our committee:

The new budget that just came down is a day late and many dollars short... The consequence is that we are going to send our children and our grandchildren to ugly places in the world where the bad guys have better guns. We are going to put them at risk, and they are going to come home in body bags. It is not right.

At the same meeting, retired Major-General Brian Vernon stated:

In hockey terms, we have a hockey team that has two forwards, one defenceman, a goalie who cannot skate, a coach that is on stress leave and a bus that is broken down.

Honourable senators, it would appear that this government does not have a plan for defence, and we are given no indication as to how a considerable portion of the new money will be used.

Returning briefly to my opening comments, wherein a budget was described as the end of a planning process and as a blueprint for the annual economic agenda, it is curious that so much of the money in this budget is being set aside apparently without much in the way of a finished plan.

Honourable senators, on the topic of the environment, a centrepiece of the 2005 Budget's environmental announcements was greenhouse gas abatement measures. There were, of course, also spending announcements on a range of other environmental issues, including invasive species, fisheries, our waterways and oceans, the Canadian Environmental Protection Act and national parks.

Whether the resources allocated will be sufficient to accomplish the stated purposes remains to be seen, but if the budget process is working properly, there is reason to be hopeful. In this context, it should be noted that Canada has been criticized for its record on

the environment by authorities as diverse as the federal Commissioner of the Environment and Sustainable Development and the OECD. Much clearly remains to be done in all of these areas.

It is in the principal area of focus, namely greenhouse gas abatement measures, that the government appears to be struggling the most. The whole issue of global warming seems to be one that has not been properly managed during the course of the budget process.

Let us recall that on April 29, 2003, our Prime Minister to-be said in a Toronto town hall meeting:

I think if you're going to bring in something like Kyoto, which is going to provide a huge national cooperation, you owe it to Canadians to lay the plan in front of them, so Canadians know what is being asked of them. Unfortunately, we ratified Kyoto without that plan in place, and since then we have not heard a great deal about the plan.

Mr. Martin was laying it out clearly in that speech in Toronto. It is clear that, without a plan, it is pretty difficult to move forward in a rational manner.

Unfortunately, it would appear that Canada is still operating without a firm, substantive plan. Canadians do not yet know what will be asked of them. Canadian businesses still do not have certainty about the government's plans to enable them, in turn, to effectively plan for the future.

Efforts to date to get buy-in from the Canadian public has been less than successful, despite the fact that polls consistently show that Canadians view global warming with concern and think that something should be done. There is a similar problem with other levels of government, which have also indicated that they want to be part of the solution.

Aside from the specifics of the greenhouse gas abatement measures mentioned in the budget and the revised Kyoto plan, a number of things should be clear as we move forward. First, Canada desperately needs to take a leadership role in developing technologies and mechanisms that encourage and reward Canadians and Canadian industry for taking action to reduce greenhouse gas output.

Second, our resources should be directed at developing made-in-Canada solutions and technologies that provide benefits right here in Canada. The practices and technologies could then be exported to other countries to help them with their greenhouse gas challenges.

Third, good government policy can spur innovation and, in the process, create new economic opportunities. We must ensure that Canadians take full advantage of these opportunities by creating an innovative regime of programs, strategic investments and tax incentives.

A fourth point to consider is that many of the most cost-effective investments for reducing greenhouse gases are also based on technologies that increase energy efficiencies. Investments in



these technologies can enhance energy efficiency, yield climate change benefits and provide cost benefits to consumers and industry.

Another point to keep in mind is that all of our efforts in climate change must be done in meaningful cooperation with stakeholders and other levels of government. On this point, the government's record has unfortunately been weak. For instance, the 2002 climate change plan for Canada was met with complaints about lack of input by Parliament, stakeholders and other levels of government. Also, in the 2002 debate over motions about Canada's ratification of Kyoto, government members in the other place — and, indeed, some senators in this place — rejected amendments aimed at having a greater degree of federal-provincial agreement on an implementation plan.

Finally, any measures or programs aimed at greenhouse gas abatement need effective execution, review and follow-up with a view to ensuring that they achieve their stated goals on an ongoing basis. Whether or not this government's greenhouse gas abatement measures, as announced in the budget and discussed in Minister Dion's revised Kyoto plan, meet the six objectives I have outlined, only time will tell.

• (1610)

One thing is certain, honourable senators. The past performance of this government on this issue does not give Canadians cause to be optimistic. Indeed, for the environment as a whole, this government's overall record of failing to match performance with promises is a worrying trend.

Turning to the matter of agriculture, honourable senators, this budget was particularly deficient when it comes to agricultural matters. Farmers, as we know, are facing extremely difficult times and the reports in the media reflect the severity of the problem. Statistics Canada recently reported that net farm income bottomed out in 2003 at the lowest level since 1978.

A list of some of the challenges include: the continuing BSE crisis, plummeting commodity prices, high input costs, increases in industrial milk prices, the avian influenza and a cool, wet harvest season with an early frost on the Prairies.

In Ontario, Quebec and other parts of Canada, it seems that not a week goes by without protests by farmers and farm groups as they struggle to bring attention to their plight. It is these kinds of circumstances and situations which bring into focus the magnitude of the difficulties that the agricultural sector faces.

As this is not the first such year, budget planning should have had this sector clearly in mind, and significant initiative to help rebuild the agricultural industry in Canada might have been expected. However, just as in the October Speech from the Throne, the budget announced next to nothing in terms of substantive measures for Canada's agricultural sector. No major overhaul of the increasingly dysfunctional Canadian Agricultural Income Stabilization program, CAIS, was announced. Producers hard hit by drought, crashing commodity prices and the tragic BSE crisis have been asking for tax deferrals on 2004 income. I did not see any such measure in this budget.

Nowhere in the budget is there any mention of tax incentives to increase domestic cattle and other ruminants' slaughter capacity for producers who have taken such a pummelling from the BSE crisis. The federal government continues to refuse to consider a federal cull program while the number of animals in Canadian herds continues to grow, and domestic slaughter capacity remains insufficient. If the budget represents the culmination of a decision-making process, it appears that the process itself has failed with regard to many agricultural issues, particularly for the cattle industry.

Honourable senators, in closing, I wish to touch upon the matter of budget secrecy to which I alluded. Budget secrecy, honourable senators, is a keystone of our parliamentary tradition. Details of a budget can affect the financial markets, and knowledge of some of the specifics has been shown to provide individuals with an unfair advantage. Budgets are kept secret until they are tabled. We know in the past, many a minister or government has fallen when budget secrecy was breached.

Furthermore, budgets are released after the markets have closed. The time of delivery of the budget speech is not an accident. Generally, budget speeches are given after markets are closed so that those with direct and immediate access to the markets do not have an unfair advantage over those who do not have such access.

Thus, it came as a surprise that on budget day, and in the days leading up to the budget, there was no shortage of reports as to what the Minister of Finance would be revealing to the nation at 4 p.m. on Wednesday, February 23. My colleague, Senator Tkachuk, pointed to the uncanny accuracy of an article that appeared in the *National Post* on budget day under the by-line of Anne Dawson, who was able to tell her readers about several budget measures including child care, the cut in corporate taxes, the increase in the Guaranteed Income Supplement, the payment schedule for the national child care program and the reduction in the Air Travellers Security Charge.

Ms. Dawson seems to have secured more details than many others, but the news also leaked out to other papers. *The Globe and Mail* highlighted the minister's claim that raising the basic personal amount to \$10,000 would take many Canadians off the tax rolls. While the *Vancouver Sun* had many of the same details reported by other papers, it had the additional news that the budget would announce \$50 million for the Asia Pacific Foundation of Canada.

Honourable senators, there was a time when budget secrecy was treated as a serious matter. If there were leaks of the magnitude we saw last month, the minister would be expected to resign.

Nobody ought to be able to profit based on advance knowledge of what is in a budget. Even the smallest detail can make someone a lot of money, all at the expense of others. The advance knowledge that corporate tax rates will drop by 2 percentage points is more than a small detail. It is the kind of information that can move financial markets. Whoever passed that information on to Ms. Dawson was acting irresponsibly and was almost certainly in violation of an oath of office. It is a serious matter that needs to be taken seriously.



Honourable senators, the budget is supposed to reflect the plans of the government. What we see in this budget is little more than a plan to raise tax revenue and spend it as quickly as it comes in. What this country really needs is a budget plan that shows leadership, a plan that answers basic questions as to how the government will deliver measures such as a national child care system, a more productive economy, solutions to climate change and the path to rebuilding our military. This budget does not show that leadership.

In conclusion, honourable senators, even though this is not a house of confidence, and our decision on the budget would not have the impact that it has in the other place, I think it is clear that this budget cannot be supported, and that we will be raising many objections to items that are in the budget. On the other hand, we recognize that if we were a house of confidence, and if we were to reject the budget, it could very well precipitate an election, which would cause Canadians to spend in excess of some \$300 million.

The leader of the Conservative Party of Canada has indicated that he could not see that the people of Canada were looking for an election, and that although there had been some movement in the direction of some of the policies we had articulated in the budget, this is why he has taken the public stand that he has, which I support.

**Some Hon. Senators:** Hear, hear.

On motion of Senator Stratton, for Senator Cochrane, debate adjourned.

• (1620)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

Leave having been given to revert to Senate Public Bills:

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-21, to amend the Criminal Code (protection of children).—(*Honourable Senator Cools*)

**Hon. John G. Bryden:** Honourable senators, I apologize for my absence. I had stepped out, and the orders moved forward rather quickly. Thank you for permitting me to speak.

Honourable senators, I rise in support of the Honourable Senator Hervieux-Payette's proposed amendments to the Criminal Code that would abolish section 43 of that code. Section 43 states:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

This is the so-called "spanking" defence, which was upheld a year ago by the Supreme Court of Canada in a 6-3 decision.

Honourable senators, the Supreme Court was asked to decide whether section 43 infringed children's rights, contrary to the Charter of Rights and Freedoms. The majority of the court held that it does not. Chief Justice McLachlin noted that:

Section 43 permits conduct toward children that would be criminal in the case of adult victims.

However, she found that Parliament's choice in not criminalizing this conduct toward children did not offend against the Charter.

Honourable senators, the fact that something is not in violation of the Charter does not mean that it is good public policy. I believe it is time that we repeal this section and, as a nation, that we begin to put a stop to corporal punishment.

This is a highly emotional issue for many. Questions of family discipline — how one should raise one's children — are extraordinarily personal. The state, quite properly, treads very carefully when entering the realm of the family. At the same time, we have a particular duty to protect those most vulnerable in our society.

As Chief Justice McLachlin observed:

Children are a highly vulnerable group... Children need to be protected from abusive treatment. They are vulnerable members of Canadian society and Parliament and the Executive act admirably when they shield children from psychological and physical harm.

That comes from the case: *Canadian Foundation for Children, Youth and Law v. Attorney General in the Right of Canada* [2004] 1 S.C.R., 76, pages 56 to 58. That is the last citation I will give you, as most of the quotes come from there.

Chief Justice McLachlin went on to say:

Children also depend on parents and teachers for guidance and discipline, to protect them from harm and to promote their healthy development within society. A stable and secure family and school setting is essential to this growth process. Section 43 is Parliament's attempt to accommodate both these needs.

Honourable senators, I agree absolutely with the Chief Justice's summary of children's needs. However, I am convinced that, as a society, we can better accommodate these needs than by condoning violence toward our children.

Corporal punishment has a long history. Senator Hervieux-Payette discussed its roots in Roman law, but we need not go back that far. Section 43 became law in 1892. It grew out of the English common

law that permitted corporal punishment of wives, employees, apprentices, passengers on ships, prisoners and children. Honourable senators, let us not forget that those punishments were once considered appropriate. They were considered appropriate, measured responses to the need to discipline, and thereby educate wives, employees, apprentices and children.

Let me read to you from an article in the *British Observer* of Sunday, May 4, 2003:

Britain's class system was often used to legitimise corporal punishment. In 1795, a London court heard the Lord Chief Justice explain that a master not only had a duty to cane his servants, but also to ensure the beatings were severe.

Boys of all backgrounds were liable to "bare-bottom discipline", as soon as they joined the navy before the practice was abolished in 1967. They were forced to pull down their trousers before being flogged with the cat-o'-nine-tails, a whip, usually made of cow or horse hide, with nine knotted lines for inflicting increased pain.

The law changed with respect to wives, employees, apprentices, passengers on ships and prisoners. The one remaining anachronism relates to the appropriate education and discipline of children.

Honourable senators, the argument made for corporal punishment of children is that it is a corrective force. As Chief Justice McLachlin explained it:

First, the person applying the force must have intended it to be for educative or corrective purposes. Accordingly, s.43 cannot exculpate bursts of violence against a child motivated by anger or animated by frustration. It admits into its sphere of immunity only sober, reasoned uses of force that address the actual behaviour of the child and are designed to restrain, control or express some symbolic disapproval of his or her behaviour. The purpose of the force must always be the education or discipline of the child.

Honourable senators, where else in Canadian society do we actively condone the use of violence as an educative tool, especially against one who is weaker and more vulnerable? In general, we have come to understand that the impact of violence is much more profound than was previously believed.

As I mentioned, force used to be an accepted alternative to correct behaviour of a wife. Now we understand the terrible impact of spousal assault; on the spouse and also on the children who witness it.

Chief Justice McLachlin herself acknowledged that there are limits to the corrective scope of force against children. Listen to this; I will read further. She drew the limits at children between the ages of two and 10 years. She said:

Corporal punishment of children under two years is harmful to them, and has no corrective value, given the cognitive limitations of children under two years of age. Corporal punishment of teenagers is harmful, because it can induce aggressive or anti-social behaviour.

Honourable senators, I am a father of three and a grandfather of eight. It does not make sense to me that hitting a child of 12 would be good for them and an educative tool in proper behaviour, and yet when that same child becomes 13, the same action is known to induce aggressive or anti-social behaviour. I served as Deputy Minister of Justice in New Brunswick. In that capacity, I dealt with criminal law matters on a far too regular basis. In my experience, violence begets anger, resentment, humiliation and, indeed, violence.

• (1630)

In her excellent speech of December 7, 2004, Senator Hervieux-Payette cited an October 25, 2004 report by Statistics Canada that found that children aged two to three years who were living in punitive environments in 1994 scored 39 per cent higher on a scale of aggressive behaviour, such as bullying, than those who lived in less punitive environments. The same children were examined again six years later, in 2000. Now eight and nine years old, these same children who lived in punitive homes scored 89 per cent higher on the aggressive behaviour scale than those in less punitive homes.

Statistics Canada very recently, indeed on February 21, 2005 — some of you may have seen some of it in the press — published a further follow-up to this study. Looking at the same children two years later, the study also found:

Children showed higher levels of aggressive behaviour when their parents were more punitive. They also showed higher levels of anxiety and lower levels of pro-social behaviour, the latter defined as actions that benefit another person with no reward for one oneself. The link between punitive parenting practices and child behaviour was found when children were aged 2 to 5 in 1994/95 and eight years later in 2002/03, when they were aged 10 to 13.

That is the National Longitudinal Survey of Children and Youth.

To clarify, "punitive parenting" was measured by asking participants how often they used physical punishment, or yelled at the child and, on the other hand, how often they calmly discussed the problem or described more acceptable behaviour to the child. Children aged 10 to 13 were asked how often their parents yelled at them, hit them or threatened to do so.

I recognize there is fear that parents will wrongly find themselves accused of criminal acts. I would quote from the dissenting decision of Madam Justice Louise Arbour, who said that section 43 violates the constitutional rights of children to safety and security and must be struck down. She said:

Absent action by Parliament, other existing common law defences, such as the defence of necessity and the "*de minimis*" defence, will suffice to ensure that parents and teachers are not branded as criminals for their trivial use of force to restrain children when appropriate.



Honourable senators, today we know there are many alternatives to the use of force as a corrective tool for children's behaviour. In April 2003, a coalition of national organizations led by the Children's Hospital of Eastern Ontario, and including the Child Welfare League of Canada, Family Service Canada, Canadian Child Care Federation, Canadian Institute of Child Health, Canadian Public Health Association and Canadian Association for Young Children issued a Joint Statement on Physical Punishment of Children and Youth. They said:

The research evidence now available permits us to move beyond the debate about whether physical punishment is harmful to children and youth or is even effective as discipline.

Few parents believe that physical punishment is effective, most believe it is unnecessary and harmful, and a majority think the most common outcome is parental guilt or regret.

There is strong evidence that physical punishment places children at risk for physical injury, poorer mental health, impaired relationships with parents, weaker internalization of moral values, antisocial behaviour, poorer adult adjustment, and tolerance of violence in adulthood.

There is no clear evidence of any benefit from the use of physical punishment on children.

Parents are more likely to use physical punishment if they approve of it, experienced it themselves as children, feel anger in response to their child's behaviour, are subject to depression, or are burdened by particular forms of stress.

Their conclusion was:

On the basis of the clear and compelling evidence — that the physical punishment of children and youth plays no useful role in their upbringing and poses only risks to their development — parents should be strongly encouraged to develop alternative and positive approaches to discipline.

The 50-page paper does not simply condemn the use of hitting or spanking as a corrective tool; it also sets out positive alternatives that may be used by parents and teachers.

Honourable senators, I must tell you that while this is an issue that I have felt strongly about for some years, I was moved to enter the debate on Senator Hervieux-Payette's bill when reading the March 2005 issue of *Harper's Magazine*, page 28. There, in a side-bar, appeared the following, under the headline [Correction] "The Other Cheek." Before I read the rest, I should indicate that it came —

From an advertisement for The Rod that appeared in the magazine *Home School Digest*. In December the Consumer Product Safety Commission rejected a bid to ban the sale of The Rod, having found "no basis for determining that the product constitutes a substantial product hazard."

This is the advertisement:

Why a rod for training?

The means prescribed by God: "Withhold not correction from a child: for if thou beatest him with a rod, he shall not die. Thou shalt beat him with the rod, and shalt deliver his soul from hell. (Proverbs, 23:13-14)

Belts are for holding up pants.  
Spoons are for cooking and eating.  
Paddleball paddles are for games.  
Hands are for loving.  
Rods are for chastening.

#### INSTRUCTIONS:

Try the rod out on yourself ahead of time to determine how much force you should use to get the result you require.

Chasten on a clothed buttock with the appropriate number of swats. Three or four swats is suggested.

Console the child afterwards and affirm your love for him. This will give you an opportunity to "check his heart" and show the child that chastening is a form of love.

#### FEATURES:

**The Hon. the Speaker:** Senator Bryden, I am sorry to interrupt, but I must advise that your time has expired.

**Senator Bryden:** I am asking for leave.

**Hon. Senators:** Agreed.

**Senator Bryden:** Features of the rod:

#### Flexible Nylon Rod

More effective results  
Less likely to break  
More precise control during application  
Cushioned Vinyl Grip  
Non-slip during training  
Durable for years of use

#### BENEFITS FOR THE CHILDREN:

Promotes a loving atmosphere in the home  
Removes guilt and foolishness from their hearts  
Develops self-control  
Helps children to receive wisdom

#### BENEFITS FOR THE PARENTS:

Lightweight yet durable  
Balanced and easy to use  
Ideal for car or home  
Allows for better parent/child relationship  
Results in a more peaceful home  
An excellent gift idea

Does that make you sick, or what?

• (1640)

Honourable senators, I applaud Senator Hervieux-Payette's initiative in seeking to repeal section 43. There are better ways to discipline our children. There are better lessons to teach them than to learn to respond with force.

**Hon. Senators:** Hear, hear!

**Hon. Terry Stratton (Deputy Leader of the Opposition):** I would like to adjourn the debate in the name of Senator Cools, who has informed us that she shall speak on Thursday.

**The Hon. the Speaker:** Before I put the motion, did you want to ask a question, Senator Trenholme Counsell?

**Hon. Marilyn Trenholme Counsell:** Yes, I did. May I?

**Senator Bryden:** Oh, yes, certainly.

**Senator Trenholme Counsell:** Honourable senators, as Senator Bryden read that last horrifying advertisement, a chill went through all of our bones, our blood and especially our hearts, but I have been struggling with my own response to the bill.

I think I know where I stand, but when I heard him read that advertisement, I wondered if the use of such a rod, if reported and acted upon, would conform to section 43? I do not think that the spirit of the law, as it exists now, would allow the use of that rod. The honourable senator is an esteemed lawyer, and we should have that point clarified by someone with his knowledge of the law, and of section 43.

It seems to me that the use of that instrument of discipline would contravene the law, and would make any person using that instrument, be it a parent or a teacher, vulnerable to criminal charges.

**Senator Bryden:** I should make it clear that that advertisement came out of a U.S. publication, *Harper's Magazine*, and that it was lifted from the home schooling magazine.

I do not know the answer to the honourable senator's question, if we had a case under section 43. Is a wooden spoon better than the rod? Is it better to hit with your hand? There was a time — the senator accuses me of being a lawyer, so I will accuse her of being a medical doctor — when I have heard grandparents suggest to parents, "Do not hit him. Just shake him a little bit." You all know what happens to a child's brain when you shake him or her a little bit? We have now found that huge amounts of damage, and even death, occur from that.

I think it would be a technical fight; it will depend on the interpretation by the courts on whether this is a corrective action,

and whether only reasonable force was used. I do not think there is any way that even someone as thoughtful as Chief Justice McLachlin can decide that if you are not quite at your age two birthday, then it is not okay to be hit, but if you are two-and-a-half, then it is. This is a fundamental anachronism that is stuck in the Criminal Code.

It is interesting that when the document came out, where all of the children's hospitals, and so on, that did the study that I quoted from, recommending that no force be used — they were not talking about a specific section of the code — they received more interventions on that particular study opposing the position that we stop using force, much of those interventions based on something like the proverb that I read.

I do not know any other way to deal with this matter, other than to repeal the section. I do not quarrel at all with the Chief Justice and with the majority of the court's decision that this does not violate the Canadian Charter of Rights and Freedoms if it is precisely applied. However, if there ever was an invitation to Parliament to say "Pick up your responsibility here, folks, and it is your decision, your call; you want people to have the option, the opportunity to use force in dealing with young children, then let this continue." There is no question that the Parliament of Canada has the right and the ability to deal with this matter, has absolutely the right to repeal this section of the Criminal Code, and would not be questioned at all by the courts.

I was trying to think of the quote about the sort of person who hits a child. After getting somebody to do a search, the person I was thinking of was George Bernard Shaw, and this was his quote:

If you strike a child, take care that you strike it in anger, even at the risk of maiming it for life. A blow in cold blood neither can nor should be forgiven.

What he is really saying there is that if you strike a child when you are angry, you are a brute. If you strike them when you are not, are you a sadist?

I do not want to go on much longer — in fact, I will stop now. This question has been approached from various angles by various people. We are in the 21st century, for goodness sake; let us prevent the legalized violation of the personal security of people who are among the most vulnerable in our society.

**Hon. Senators:** Hear, hear!

On motion of Senator Stratton, for Senator Cools, debate adjourned.

The Senate adjourned until Wednesday, March 9, 2005, at 1:30 p.m.



## CONTENTS

Tuesday, March 8, 2005

	PAGE
<b>Visitors in the Gallery</b>	
The Hon. the Speaker . . . . .	841

### SENATORS' STATEMENTS

<b>Royal Canadian Mounted Police</b>	
Tribute to Slain Constables.	
Hon. Joyce Fairbairn . . . . .	841
<b>Citizenship and Immigration</b>	
Deportation of Mr. Ernst Zundel.	
Hon. David Tkachuk . . . . .	841
<b>International Women's Day</b>	
Hon. Lucie Pépin . . . . .	842
<b>Canadian Diabetes Association</b>	
Hon. Marilyn Trenholme Counsell . . . . .	842
<b>International Women's Week</b>	
Hon. Elizabeth Hubley . . . . .	843

### ROUTINE PROCEEDINGS

<b>Canada-Mexico Inter-Parliamentary Meeting</b>	
Thirteenth Annual Conclave, January 24-27, 2005—Report Tabled.	
Hon. Daniel Hays . . . . .	843
<b>Federal-Provincial Fiscal Arrangements Act (Bill C-24)</b>	
Bill to Amend—Report of Committee.	
Hon. Donald H. Oliver . . . . .	843

### QUESTION PERIOD

<b>Health</b>	
Availability of Heart Medication Inderal LA.	
Hon. Wilbert J. Keon . . . . .	843
Hon. Jack Austin . . . . .	844
<b>Agriculture and Agri-Food</b>	
Bovine Spongiform Encephalopathy—Aid to Cattle Industry.	
Hon. Donald H. Oliver . . . . .	844
Hon. Jack Austin . . . . .	844
Hon. Gerry St. Germain . . . . .	844
<b>Canada-United States Relations</b>	
Missile Defence Program—Linkage of Non-Participation to Other Issues.	
Hon. Gerry St. Germain . . . . .	845
Hon. Jack Austin . . . . .	845

	PAGE
<b>Missile Defence Program—Effect of Non-Participation on Business Community.</b>	
Hon. Gerry St. Germain . . . . .	845
Hon. Jack Austin . . . . .	845
Hon. Marcel Prud'homme . . . . .	846

#### Privy Council Office

<b>Ethics of Government Appointee Glen Murray Attending Liberal Party Convention.</b>	
Hon. Terry Stratton . . . . .	846
Hon. Jack Austin . . . . .	846

#### The Senate

<b>Appointment of Women to Fill Current Vacancies.</b>	
Hon. Marcel Prud'homme . . . . .	847
Hon. Jack Austin . . . . .	847

#### Pages Exchange Program with House of Commons

The Hon. the Speaker . . . . .	847
--------------------------------	-----

### ORDERS OF THE DAY

#### Business of the Senate

Hon. Bill Rompkey . . . . .	847
-----------------------------	-----

#### Statistics Act (Bill S-18)

Bill to Amend—Third Reading—Debate Adjourned.	
Hon. Bill Rompkey . . . . .	847

#### Federal-Provincial Fiscal Arrangements Act (Bill C-39)

Bill to Amend—Second Reading.	
Hon. Wilbert J. Keon . . . . .	848
Hon. John G. Bryden . . . . .	849
Hon. Pierrette Ringuette . . . . .	850
Hon. Anne C. Cools . . . . .	851
Hon. Francis William Mahovlich . . . . .	851
Referred to Committee . . . . .	851

#### Department of Public Safety and Emergency Preparedness Bill (Bill C-6)

Third Reading—Speaker's Ruling—Debate Continued.	
The Hon. the Speaker . . . . .	851

#### Social Affairs, Science and Technology

Budget—Study of State of Health Care System—Report Adopted.	
Hon. Wilbert J. Keon . . . . .	853

#### National Security and Defence

Budget—Study of National Security Policy—Debate Adjourned.	
Hon. Joseph A. Day . . . . .	853

#### Budget 2005

Inquiry—Debate Adjourned.	
Hon. Noël A. Kinsella . . . . .	853

#### Criminal Code (Bill S-21)

Bill to Amend—Second Reading—Debate Continued.	
Hon. John G. Bryden . . . . .	858
Hon. Terry Stratton . . . . .	861
Hon. Marilyn Trenholme Counsell . . . . .	861







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CANADA



# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

Wednesday, March 9, 2005



THE HONOURABLE DANIEL HAYS  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, March 9, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before proceeding, we are privileged today to host guests in the gallery. I would first like to draw your attention to the presence in the gallery of Mr. Motaz Wasel Raslan, Chairman of the Canada Egypt Business Council. He is accompanied by His Excellency the Ambassador of the Arab Republic of Egypt, Dr. Mahmoud F. El-Saeed. They are guests of the Honourable Senator Marcel Prud'homme.

On behalf of all senators, I welcome you to the Senate.

We are also privileged today to have in our gallery a group of delegates from the Chuvash Republic of the Russian Federation. They are: Serge Gaplikov, Chairman of the Cabinet and Premier; Nina Souslonova, Minister of Health; Peter Krasnov, Chief of the President's Administration and Minister of Culture; and the facilitator of the trip, the Honourable Mary Collins, PC, Health Policy Advisor for the World Health Organization in Moscow. They are the guests of the Honourable Senator Fairbairn.

On behalf of all Senators, I welcome you all to the Senate of Canada.

## SENATORS' STATEMENTS

### CANADIAN ENGINEERING MEMORIAL FOUNDATION

**Hon. Mac Harb:** Honourable senators, last week we marked National Engineering Week, held every year to honour the many contributions made by engineers here in Canada and around the world. Almost every single aspect of our day-to-day lives is touched by the ingenuity and professionalism of engineers.

Honourable senators, there are more than 160,000 engineers in Canada, but only 10 per cent of that number are women. However, as an engineer myself, I am pleased to inform the honourable senators assembled here that there is a Canadian foundation dedicated to increasing the number of women participating in this important industry sector. That foundation is the Canadian Engineering Memorial Foundation.

[Translation]

The Canadian Engineering Memorial Foundation was created 15 years ago in the aftermath of the École Polytechnique de Montreal tragedy of December 6, 1989. It honours the memory of the 14 women who lost their lives. Each year, the foundation provides scholarships to women studying engineering in

recognized universities. It seeks out extraordinary women who are already enrolled in an engineering faculty and helps them continue their studies and make a career in the field. The foundation's funding comes from the private sector and from the thousands of individuals who believe in its mission and the work it does.

[English]

CEMF is an excellent example of an organization that works through partnerships and alliances. One of its key supporters, the Canadian Council of Professional Engineers, is the national organization of provincial and territorial bodies that license Canada's 160,000 professional engineers.

CEMF believes that young girls must be encouraged to take a keen interest in science in elementary and secondary schools. This has led to another key partnership with Actua, an organization that runs science camps across Canada.

I wish to acknowledge and thank the Canadian Engineer Memorial Foundation and its partners for the work they do across our great country to encourage young women to pursue careers in engineering in Canada, and for promoting engineering as a career choice to all young people, regardless of gender.

### CANADA-UNITED STATES RELATIONS

#### BOVINE SPONGIFORM ENCEPHALOPATHY— CLOSURE OF BORDER TO CANADIAN CATTLE

**Hon. David Tkachuk:** Honourable senators, last week the Senate Agriculture Committee travelled to Washington under the able leadership of Senator Fairbairn and Senator Gustafson. Our purpose was to reiterate Canada's position on BSE and softwood lumber.

While we were there, the Senate of the United States considered the following, and I quote:

A joint resolution providing for Congressional disapproval of the rules submitted by the Department of Agriculture under Chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy.

The resolution was sponsored by Democratic Senator Kent Conrad and had eleven co-sponsors, eight of whom were Democrats. Voting yea to this resolution meant voting in favour of keeping the U.S. border closed to Canadian beef. Keep that thought foremost in your minds as I read the names of the following senators who supported the resolution. These are the names of those who voted against Canadian interests and against the interests of our beef producers.

Senator Charles Schumer, Democrat, voted yea; Senator Robert Byrd, Democrat, voted yea; Senator Chris Dodd, Democrat, voted yea; Senator Evan Bayh, Democrat, voted yea; Senator Barbara Boxer, Democrat, voted yea; Senator Diane Feinstein, Democrat, voted yea; Senator Daniel Akaka,

Democrat, voted yea; Senator Max Baucus, Democrat, voted yea; Senator Joseph Biden, Democrat, voted yea; Senator Jeff Bingaman, Democrat, voted yea; Senator Maria Cantwell, Democrat, voted yea; Senator Thomas Carper, Democrat, voted yea; Senator Kent Conrad, Democrat, voted yea; Senator Jon Corzine, Democrat, voted yea; Senator Mark Dayton, Democrat, voted yea; Senator Byron Dorgan, Democrat, voted yea; Senator Richard Durbin, Democrat, voted yea; Senator Tom Harkin, Democrat, voted yea; Senator Tim Johnson, Democrat, voted yea; Senator Herb Kohl, Democrat, voted yea; Senator Mary Landrieu, Democrat, voted yea; Senator Frank Lautenberg, Democrat, voted yea; Senator Patrick Leahy, Democrat, voted yea; Senator Carl Levin, Democrat, voted yea; Senator Barbara Mikulski, Democrat, voted yea; Senator Patty Murray, Democrat, voted yea; Senator Bill Nelson, Democrat, voted yea; Senator Jack Reed, Democrat, voted yea; Senator Harry Reid, Democrat, voted yea; Senator Ken Salazar, Democrat, voted yea; Senator Paul Sarbanes, Democrat, voted yea; Senator Debbie Stabenow, Democrat, voted yea; and Senator Ron Wyden, Democrat, voted yea.

I have just a few more Democrats to mention, honourable senators, but these ones deserve special notice:

Senator Joseph Lieberman, Democrat, and in 2000 Vice-Presidential running candidate of Al Gore, voted yea.

• (1340)

Senator Barack Obama, Democrat, who many herald as the future of the Democratic Party of the United States, voted yea; Senator Edward Kennedy, Democrat, voted to keep the border closed; Senator Hillary Clinton, Democrat, voted to keep the border closed; and Senator John Kerry, Democrat, whom many members of the Liberal Party of Canada openly supported in the last presidential election, voted to keep the border closed. On March 21, I will present the rest of the list.

## EARLY LEARNING AND CHILD CARE INITIATIVE

**Hon. Marilyn Trenholme Counsell:** Honourable senators, this is all about democracy for children. On February 25, 2005, Honourable Ralph Goodale, Minister of Finance, said:

...we made a commitment to work with the provinces and territories to build the foundations for a high-quality, universally inclusive, accessible and developmental early learning and child care initiative.

On February 15, 2005, in the House of Commons, the Honourable Ken Dryden, Minister of Social Development Canada, said:

We are agreeing on the principles of what kind of system we would like to see in every province and territory.

Earlier, on January 13, 2005, at York University, he said:

...we now have the remarkable opportunity to work on a national early learning and child care system...to actually help create something that doesn't exist...and if you can do it

right, then you will end up with something of substance... And that's the excitement of it...with a commitment of \$5 billion over five years...

So Canada begins — working together — to build the foundations for a new system of child care and development centres across this great nation: a Canadian initiative, a Canadian system, the Canadian way. What is fragmented now will become cohesive, strong and visionary, one step at a time. Minister Dryden said on November 19, 2004, in Montreal: "The key I think is to get the principles right."

In this great federation, there will be differences in the system, but one thing stands out in every speech, as Minister Dryden said on November 12, 2004, in Winnipeg, a commitment to: "...quality, universally inclusive, accessible and developmental...strong measures of accountability...doing exactly what we promised."

As reported in the *Edmonton Journal* of March 5, 2005, into this picture, like a shot from behind the net, comes a publicly-traded U.S. investment firm ready to make "an overall impact...having a good business model...with plans for Canadian expansion in documents filed with U.S. security regulators in November." I believe it will take the kind of goaltending for which Ken Dryden is famous to guard the net to allow a truly Canadian system to develop step by step.

The kind of quality child care that Canadians want in their new system must "support optimal early brain development and physical development and set the base of learning, behaviour and health throughout the life cycle." Quality child care with an emphasis on social development is enormously beneficial to parents as they prepare their children for school. A love of books begins in the home and is greatly reinforced through quality child care. Creative play with games and numbers and with song and dance let children believe in themselves. All of this and so much more reinforces good parenting through the experience and caring of well-trained staff devoted to families — staff whose salary comes ahead of profit. Yet the U.S. company describes its own niche: "computer skills, second language and math skills." Is this what Canadians want for their two-year olds?

If there is a place for big business — for profit — in our system, let it take second place to a vibrant, trustworthy and confident public system. Let it be said that quality child care is available to Canadian families because there is a child who needs and who will benefit from this program, not a child who gets through the door because a parent has money in a wallet.

The case for a made-in-Canada non-profit system was made even stronger by Margaret McCain and Roy Romanow. They said:

Child care...is not a commodity...not merely a business decision....The business of these organizations should be total fixation on the well being of the child.

Honourable senators, let us keep our eyes on Canada's new child care system and support Ken Dryden as he makes history again.



## ROYAL CANADIAN MOUNTED POLICE

### TRIBUTE TO SLAIN CONSTABLES

**Hon. Gerry St. Germain:** Honourable senators, last Thursday was a horrific day experienced by all Canadians with the loss of four of Canada's finest. The four members of the RCMP who were brutally murdered is a graphic reminder to all of us about how fragile peace and order can be in our society. We take it for granted that just because we live in Canada incidents of this nature just do not happen here; they happen elsewhere.

Constables Anthony Gordon, Peter Schiemann, Lionide Johnston and Brock Myrol have paid the ultimate price in service to their community and country. Tomorrow, members of the Senate, members of the House of Commons, many others and I will attend the memorial service to pay tribute to these brave, dedicated men. We will share with their families the great loss that they and all of Canada have experienced. I will attend carrying the experience of having been a peace officer in two of Canada's major cities. I know and lived these risks. I truly appreciate the commitment that these four officers offered in the service of the RCMP.

There is nothing more disturbing to a wife or a husband and children than the appearance of a cruiser car arriving at the front door when a loved one is on duty in one of our respective police forces. This generally denotes that something traumatic has taken place in the lives of these individuals.

Honourable senators, I served four years on a police force in Manitoba. My police badge number was 34. My replacement who took on the number 34 was brutally shot and killed at the scene of a robbery just a couple of years into his service. All police officers face these dangers and do so proudly in service to their communities.

Senator Austin, in his tribute on Monday, mentioned that most of us will never face what these four officers were exposed to. My hope is that we in government will recognize that certain changes we can facilitate may eliminate a portion of the risk exposure to those we ask to ensure our safety and that of our families.

Policing is an honourable profession that allows society the peace of mind that we all seek in our lives. We thank the constables and their families for the greatest sacrifice of all. Our thoughts and our prayers go out to these families as we attempt to share with them their loss and grief. May God bless them and all of us.

### OVERTAXATION

**Hon. Donald H. Oliver:** Honourable senators, Canadians continue to be overtaxed. According to *The Globe and Mail*, the take-home pay of the average Canadian has not risen in 15 years. Meanwhile, Canada's economic output per capita has risen 25.5 per cent since 1989, but the after-tax income of the average Canadian has risen only 3.6 per cent. To put it simply, Canadians are working harder but seeing less from our federal government.

*The Globe and Mail* stated in a February 26 editorial that federal spending is due to rise to \$194.5 billion in 2009. This is an 82 per cent increase since 1998. Government spending will have nearly doubled in little over a decade. The 2005 Budget attempted to help low-income Canadians by promising to increase the basic personal exemption to \$10,000 by 2010, five years from now. However, this so-called tax cut will save Canadian taxpayer a mere \$16 in 2006. The Executive Director of the National Anti-Poverty Organization recently stated that lowering the personal income tax exemption is the least effective way to deliver tax cuts to poor people because less than 4 per cent of the benefits of this tax measure go to lower income families.

In the same period, the total revenues earned by the federal government through personal income tax will rise from \$89 billion in 2005 to \$120 billion by 2010, according to the February 28 editorial in the *Halifax Chronicle Herald*. In effect, the federal government will receive an income tax bonus equal to the entire income tax revenue of 2004.

Over the next five years, Canadians will pay an additional \$23 billion in GST and \$6 billion in Employment Insurance premiums.

• (1350)

Between 2003 and 2004, the average Canadian family experienced a \$1,327 increase in their total tax bill. At least 40 per cent of this growth was the result of increases in social security, pension, medical and hospital taxes, according to the Fraser Institute.

The Fraser Institute estimates that last year all income earned by Canadians prior to June 28 was used to pay the total tax bill imposed on them by all levels of government — federal, provincial and local. The tax cuts outlined in the 2005 Budget are totally inadequate to meet the needs and expectations of Canadians. Canadians demand better.

[Translation]

## ROUTINE PROCEEDINGS

### TRANSPORT AND COMMUNICATIONS

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Joan Fraser:** Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet on Monday, March 21, 2005, even though the Senate may then be adjourned for a period exceeding one week.

[English]

## THE SENATE

### NOTICE OF MOTION TO AUTHORIZE SELECT COMMITTEES TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committees on Human Rights, National Security and Defence and Official Languages be empowered, in accordance with rule 95(3), to sit on Monday, March 21, 2005, even though the Senate may then be adjourned for a period exceeding one week.

## QUESTION PERIOD

### TRANSPORT

#### NORTHUMBERLAND FERRY SERVICE— FUNDING CUTBACKS

**Hon. Donald H. Oliver:** Honourable senators, my question for the Leader of the Government in the Senate deals with support for the service of Northumberland Ferries Limited. It was reported in today's Charlottetown *Guardian* that Transport Canada wants to reduce its financial support for the Northumberland ferry service between Woods Island, Prince Edward Island and Caribou, Nova Scotia. This ferry service, which has provided an essential facility to travellers in Atlantic Canada for decades, will be discontinued if its funding is cut off by the federal government.

*The Guardian* reports that the Premier of Prince Edward Island recently sent a strongly worded letter to the Prime Minister asking him to intervene to save the Northumberland ferry service.

Could the Leader of the Government in the Senate please explain the government's rationale for reducing its support for this vital component of Atlantic Canada's transportation infrastructure?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am not aware that any reduction is being proposed. I have been informed that a five-year agreement with a private sector company is under negotiation.

**Senator Oliver:** Honourable senators, Northumberland Ferries Limited moves 475,000 passengers, 176,000 passenger vehicles and 21,000 commercial trucks every single year, so clearly any reduction in ferry service could have a disastrous economic consequence on the Atlantic region. Is Transport Canada sufficiently sensitized to the impact that reduced ferry service could have on the Atlantic region?

**Senator Austin:** Honourable senators, I believe that Transport Canada is very much aware of the economic rationale for the service. It is, as I have said, negotiating an agreement that will supply the services that the market requires.

## ROYAL CANADIAN MOUNTED POLICE

### CLOSURE OF EDMONTON FORENSIC LABORATORY

**Hon. Gerald J. Comeau:** Honourable senators, my question is directed to the Leader of the Government in the Senate. The RCMP is closing down its forensic laboratory in Edmonton, one of six across the country, as part of its effort to pay for the long list of new spending announced in last month's budget.

On Friday, February 25, the *Edmonton Sun* quoted Dave Hepworth, a retired RCMP forensics expert as follows:

They closed down the evidence recovery units in Edmonton and Regina in 2003 and centralized them in Ottawa... So police services in those regions lost that local expertise.

The backlog of DNA tests gets longer every year, because they won't invest the resources into getting it done. The trend is toward centralizing everything in Vancouver and Ottawa...

Increasing times for DNA testing may lessen the possibility of a conviction.

Would the Leader of the Government undertake to ask his cabinet colleagues to reconsider this questionable decision?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am advised that there will be no reduction in testing and no loss of time by the measures to which Senator Comeau has referred. Centralizing services will allow enhanced capacity through the concentration of people working together with their technological backgrounds.

**Senator Comeau:** Honourable senators, I note that the leader did not refer to the loss of local expertise in those areas.

There were over 1,000 unprocessed and unopened DNA service requests at RCMP forensics laboratories and the DNA data bank at the end of 2004. The changes suggested in Bill C-13 will increase the number of offences for which a DNA sample will be taken, expanding the amount of work done by the lab even further.

How will these labs cope with the increased workload when they are already operating under a backlog? How will they cope when the Edmonton laboratory is closed? Is it the intention of the government to deliver results in a timely fashion by relying on private labs to do the work that was done by government labs in the past?

**Senator Austin:** I will inquire with respect to the honourable senator's two questions and try to provide a response as a delayed answer at an early time.

**Hon. Gerry St. Germain:** Honourable senators, would the Leader of the Government in the Senate bring to cabinet the recommendation that some of the funds used for the gun registry be diverted to the service that Senator Comeau raised, which has been proven to solve crimes and resolve many injustices that have taken place in this country? I think that would be a better utilization of funds than registering grandma's .22 rifle.



**Senator Austin:** Honourable senators, in pursuing the answer to Senator Comeau's question, I will seek to satisfy myself that DNA testing facilities are adequate, in the view of the senior people who use those services, to ensure that tests are done in a timely way.

With respect to Senator St. Germain's question, I do not see the relationship between the two programs.

## CITIZENSHIP AND IMMIGRATION

### WORK PERMIT PROGRAM FOR EXOTIC DANCERS

**Hon. David Tkachuk:** Honourable senators, on December 1 of last year, the federal government announced the cancellation of a controversial program granting work visas to foreign exotic dancers. At that time, the Minister of Citizenship and Immigration, Joe Volpe, was the Minister of Human Resources, and he told reporters that "the program has been cancelled" and "no way is it going to be done under my watch."

We have now learned that Minister Volpe gave an interview to the television program *W5* in which he acknowledged that the program is still in existence. In Question Period I believe you said that the program was cancelled as well. I have two questions for the Leader of the Government in the Senate. First, why does the government still consider exotic dancing a viable category for granting a work visa. Second, why were Canadians told this program had come to an end when clearly, according to the minister, it had not?

• (1400)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, as far as I know, there is no specific program with respect to exotic dancers coming to Canada under work permits. However, I will make inquiries in that regard. As with other cases, there may be an employment opportunity where no Canadian wishes to accept that type of employment. I am referring to legal employment.

There are broad and general rules with respect to shortages of people in various employment categories. I will make inquiries into the subject in the hopes that I can supply an answer that is satisfactory to both sides of this chamber.

**Senator Tkachuk:** Last December, former Immigration Minister Judy Sgro gave an interview to *The Globe and Mail* in which she said that her department has been trying to cancel the program since 1999, but had met with resistance from the department of Human Resources and Skills Development. Despite all the assurances of the cancellation of the program from the Prime Minister and the Deputy Prime Minister, as well as the current and former Minister of Immigration, this practice is somehow still in place.

Could the Leader of the Government in the Senate tell us if the department officials have overruled the wishes of the Prime Minister and the Minister of Citizenship and Immigration in this respect?

**Senator Austin:** Honourable senators, it should be understood that the human resources department has a statutory obligation to provide, when requested by an employer, an opinion as to whether the entry of a worker or workers might adversely affect the Canadian labour market.

Citizenship and Immigration Canada is responsible for issuing work permits to foreign workers, but must ensure that those applicants have proper documentation, meet health and security criteria and have the qualifications to perform the job. Those are the statutory provisions. There is no exemption that allows a minister to deny a person entry into the country to do exotic dancing if all the terms are met and no Canadian is prepared to perform the job. On the other hand, it is clear that the government applies these rules very carefully.

## PRIVY COUNCIL OFFICE

### REJECTION OF APPOINTMENT OF MR. GLEN MURRAY AS CHAIRMAN OF THE NATIONAL ROUND TABLE ON THE ENVIRONMENT AND ECONOMY

**Hon. Terry Stratton (Deputy Leader of the Opposition):** My question is for the Leader of the Government in the Senate. I would like to quote from an article in today's *Winnipeg Free Press*.

Former Winnipeg mayor Glen Murray yesterday became the first casualty of Prime Minister Paul Martin's patronage review process when a Commons committee rejected his appointment to head a federal environmental advisory board.

Murray's fate as the nominated chairman of the National Round Table on the Environment and Economy now rests with the prime minister, who is not bound by the verdict of the House of Commons environmental committee.

The reason for the decision of the committee was that Mr. Murray has insufficient experience in environmentally related fields and, therefore, should not assume this post.

The next step for the Prime Minister should be easy. After all, he is the same person who has pledged to get rid of the democratic deficit, to eliminate cronyism and to increase the decision-making ability of members of Parliament.

Could the Leader of the Government in the Senate tell us if the Prime Minister will ignore the will of a parliamentary committee and appoint Glen Murray?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I have nothing to tell the chamber at the moment. I hope that answer is succinct enough.

**Senator Stratton:** That is very succinct and I thank the honourable senator for that.

This proves the point I made earlier of Mr. Murray's lack of experience in the environmental field, and that is the reason for his rejection by that committee.

**Senator Austin:** With respect to Senator Stratton's supplementary question, I would point out the political makeup of the committee in question.

## INTERNATIONAL TRADE

### UNITED STATES— IMPOSITION OF TAX ON HOG INDUSTRY

**Hon. Leonard J. Gustafson:** My question is for the Leader of the Government in the Senate. Are the Americans collecting the tax that has been imposed on hogs that I understand amounts to about 10 per cent of the cost of the hog, which is about \$16 per animal? Are there negotiations on the part of the government and the hog producers to deal with that duty? Given the fact that we have all these other problems, BSE and so on, farmers are facing some very difficult situations.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am not surprised to receive this question from Senator Gustafson. In connection with the March 7, 2005, U.S. Department of Commerce final determination on countervail and dumping investigations with respect to Canadian live hog exports to the United States, the government is deeply disappointed that the Department of Commerce has upheld a dumping determination that Canadian exports of live swine to the U.S. are being sold at less than fair value.

The position of Canada from the beginning of the investigation is that our exports of Canadian live hogs are fairly traded. At this point, any party involved in the investigation can request a binding binational panel review under the famous chapter 19 of the North American Free Trade Agreement. Canada would also consider challenging the Department of Commerce determination as we believe that it is inconsistent with World Trade Organization obligations.

**Senator Gustafson:** Do I understand that there is a challenge taking place by our officials?

**Senator Austin:** A challenge is now being considered. The decision was only handed down on March 7. Senator Gustafson will have to give us a few days to consider all of the elements that flow from that decision.

## AGRICULTURE AND AGRI-FOOD

### BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY— CULLING OF OLDER ANIMALS

**Hon. Gerry St. Germain:** I have another question on agriculture for the Leader of the Government in the Senate. In the past, honourable senators, I have asked questions in regard to the herd rationalization program or the culling of the older part of the herd for cow-calf operations on ranches. I explicitly say "ranches" because the dairy industry has a certain amount of flexibility. Under supply management they have been able to increase the price of the product. I do not want to take anything away from the dairy industry or pit one sector against the other, but in a cow-calf scenario, these people are price takers. These older

cows are of little value. I cited a previous occasion where a cow was shipped in, and an invoice was paid for 99 cents, as opposed to receiving nothing for the cow after auction fees and shipping.

• (1410)

I would urge and ask the Leader of the Government in the Senate to take forward to cabinet the recommendation that we cull about 700,000 to 800,000 older cows at a price of around \$500 a head. That would really help the ranchers, and at the same time, eliminate part of the problem as well. Would he consider taking that suggestion forward?

**Hon. Jack Austin (Leader of the Government):** Yes, Senator St. Germain, I would be very pleased to move forward information in this chamber on dealing with the culling of older animals. I do not have much in the way of specific information I can give today. I know the issue is complicated. We have a managing-older-animals program, but I do not have enough information about it at hand to answer the honourable senator's concerns. I know there are many issues on which the industry is being consulted, particularly questions about the impact on the food industry of additional supplies, should that, in effect, be the result of a program. There are also, of course, questions with respect to how our packing capacity might handle those animals or, alternatively, the simple destruction of those animals and some form of compensation. I will return to this subject.

**Senator St. Germain:** I wish His Honour could ask the government leader a supplementary question because he knows this industry most likely better than any of us. I say this with the greatest of respect because he comes from a family of ranchers, and others here come from ranching families as well.

Honourable senators, there are people out there, like myself, who, before BSE, would invest in cattle, but not now. In regard to the rationalization of the herd or the culling, I do not believe we should put that meat into the food chain. I think these animals have to be done away with in a manner that does not disturb the food chain. I know this may sound brutal, but it is the only way we can handle the situation practically. Possibly the leader could take that recommendation forward as well, that as opposed to putting these animals into the feed chain and moving them into the abattoir, they be put down and buried.

**Senator Austin:** Honourable senators, I will seek to provide the chamber with a delayed answer dealing with the culling of older animals. Then Senator St. Germain can ask questions on the basis of that information.

## CANADA-UNITED STATES RELATIONS

### MISSILE DEFENCE PROGRAM— DOCUMENTATION ON PROPOSAL

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I would like to return to the missile defence file. It was reported that Canada was considering signing on to missile defence and then the decision was taken not to sign on. Is the signing on or the potential signing on a metaphor, or was there and is there, in existence, a real document that could have been signed or not signed?



**Hon. Jack Austin (Leader of the Government):** Honourable senators, the government has taken its decision, which is now well known, on missile defence, and that is not to participate. It announced its decision, and the basis on which that was made is, of course, a part of the cabinet process and cabinet confidentiality.

**Senator Kinsella:** Are there any public documents in existence that relate to what the United States government was proposing, and what the Government of Canada was considering? Are there any public documents, or documents that could be made public?

**Senator Austin:** Honourable senators, Senator Kinsella will have to search the website.

[Translation]

## L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING, JANUARY 29-30, 2005—REPORT TABLED

Leave having been given to revert to tabling of reports from inter-parliamentary delegations:

**Hon. Rose-Marie Losier-Cool:** Honourable senators, pursuant to rule 23(6), I have the honour to present, in both official languages, the report of the Canadian delegation of the Assemblée parlementaire de la Francophonie, the APF, concerning its participation in the meeting of the APF bureau, held in Hue, Vietnam, on January 29 and 30, 2005.

[English]

## ORDERS OF THE DAY

### STATISTICS ACT

BILL TO AMEND—THIRD READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Losier-Cool, for the third reading of Bill S-18, to amend the Statistics Act.

**Hon. Gerald J. Comeau:** Honourable senators, this may well be the last time I get to speak on this subject, and I must admit I am disappointed that the sponsor of the bill did not deem it important enough to speak at third reading. The deputy leader might indicate when and if she intends to defend this bill, or if she is so confident that it will be rubber-stamped by the majority that she does not even need to bother to speak at third reading.

In the Census Act and on the census forms themselves, there is clear, unambiguous language that the responses will be kept confidential. I will not go into the whole subject, but it is worth repeating what is on the form. I quote:

...by law, Statistics Canada must protect the confidentiality of the personal information you provide. Our employees, including census takers, are personally liable to a fine or imprisonment should they break the confidentiality of your information.

This is signed by the Chief Statistician, Ivan Fellegi. This is repeated again at the end of the form. I will not bother to go into the relevant sections of the act, which is now in place. The secrecy provisions are there, and these are to be repealed in Bill S-18, the so-called breaking of the promise.

Mr. Fellegi appeared before the Standing Senate Committee on Social Affairs, Science and Technology on February 24, 2005, where he informed us that he has now decided to support the breaking of the promise. I asked him how he could justify this change in position. His pitiful excuse was that he had received advice from the Department of Justice Canada that the promise might not stand up in court. Suddenly, Justice Canada informed him that it had changed its perspective and that his promise might be challenged in court. He therefore took the advice of Justice Canada, and he did a complete reversal from what had been the department's position earlier. Mr. Fellegi now expects Canadians to trust his future written promises: Trust the government; we will have your best interests at heart. Disregard the fact that we have just broken faith with everybody who has ever filled a census form since 1918. We are from government. We are here to help.

The pitiful excuse was that if the promise is not broken, this might go before the court, and the court would break our promise for us. This is to suggest that the courts are above Parliament. Parliament, therefore, is no longer supreme. The courts can break a confidence between Parliament and its citizens. He explained that he is not a lawyer, and he can break his promise because Justice has reversed its position. He may well hide behind his fear of the courts but can we, as Parliament, be reduced to breaking promises because of our fear of the courts. Regarding his advice from Justice Canada, these are the very same lawyers who drafted the infamous Pearson bill, which would have denied Canadians their right to seek remedy in the courts.

On to the second witness who appeared before the committee, the Privacy Commissioner of Canada: One would have hoped and expected that this office would be the last line of defence for the privacy of Canadians. Finally we would have a champion of privacy rights, ready to stand on guard for our privacy. Wrong. Her area of concern was the so-called consent provision of Bill S-18. She ignored or did not even bother to reflect on the breaking of the promise. In response to my question, she responded:

I was drawing to the honourable senator's attention the operational challenge of obtaining consent from Canadians. That is our contribution to this particular initiative.

She was not referring to the breaking of the promise, the consent provision.

I asked very specifically about breaking the promise. My question was:

Why does it become historical after 92 years? Why is that the magic number? Why is it not 50 or 25 years? At what point would you say that a document that was not to be released would become releasable?

• (1420)

The following is the response of the official responsible for the protection of privacy of Canadians, the person with the sacred trust of a very high office, an officer of Parliament whom we appointed and rely on to protect the privacy of Canadians. Ms. Stoddart replied: "That is obviously an arbitrary date." That is a direct quote.

In other words, she accepts the premise that in fact a promise can be broken. Confidential information on Canadians can be made available and it is simply an arbitrary opinion as to when the promise is no longer valid. This is supposedly the defender of Canadians against the prying eyes of the state in our private lives — the person who guards against release of our private information in supposedly secure state archives.

Her biggest concern is with the consent provisions of this new piece of legislation. The consent provision is in fact another promise; we will again make another promise that we will hope this is confidential.

Some will suggest that I am being alarmist by suggesting that the privacy of Canadians is compromised by breaking the promise of confidentiality, but the Privacy Commissioner herself justifies breaking the promise:

I am concerned by that, Senator Comeau, but in being concerned you have to look at what is the remedy to these kinds of concerns, and what are a whole series of public issues that have to be weighed.

This is akin to saying that we can break faith with Canadians for the greater good; the end justifies the means. One might even say a few eggs have to be broken if you are to make an omelette.

Someone suggested that this is Canada. Canadians have nothing to fear. We have the safeguards, the Charter protection and so on. Go and explain that to Maher Arar. Review the file on what happened to reporter Juliet O'Neill. Let us ask those who have been held in custody by ministerial security certificates. Review the file on the eight-year vendetta against the former Prime Minister.

Let us not forget that these census files hold extremely sensitive and private information on people's nationality, ethnicity and religious origins. Think of the bonanza that would be in the hands of gung-ho security people.

Am I wrong to raise the alarm? On the issue of the consent provision, which was the section of interest to the Chief Statistician and the Privacy Commissioner, the issue I raised at committee was with regard to the person filling out the census response on behalf of family members. The census form basically asks someone to answer on behalf of the rest of the family. The Privacy Commissioner responded:

The question of operationalization, putting into operation these consent provisions, is a challenging

question and we have raised these issues with Statistics Canada.... We are in new territory.

She has raised the alarm, yet supports the bill. This is our Privacy Commissioner; this is our officer of Parliament. It is pretty sloppy.

Here is what Mr. Fellegi had to say on this issue:

If you are answering on behalf of other people, please consult each person.

This is what he says will be on the form. The next question on the form asks: "Does this person agree?"

Picture this. We have dad filling out the census form. He goes to his wife to seek her consent and she says, "Yes, I consent." He goes to the 12 year old and says, "Can I report on your behalf?" The 12 year old says, "Yes, of course." He then goes on to seek the consent of the three year old. The three year old says, "Yes, dad, I give consent on my behalf."

Who is writing this stuff? This is absolutely plain awful.

I would ask senators to seriously consider the integrity of the future census responses, given the manner in which we are handling our promises of confidentiality, and the sloppy preparation of future census consent provisions.

Will Canadians not be justified in questioning the current promises in this new bill given our shabby treatment of the promises of the last bill? Will Canadians not be justified to think twice before they respond candidly and truthfully to private questions about their religion, ethnicity and national origins? Think about it.

These forms were meant initially to provide information to planners, to people who distribute money throughout Canada, to determine which groups we should be paying more attention to. If the integrity of the census response is under question because we can no longer trust the Chief Statistician, the Privacy Commissioner and ourselves to not break the promise, what kind of responses will we get? In the old days we used to call it GIGO, referring to computer language for "garbage in, garbage out."

Canadians would be entirely justified to sue the government, in my view, either individually or by class action when their private census records become public. If I were a lawyer, I would be seeking out those individuals right now. There are thousands of them still out there, alive and well and, in my view, very willing to sue the government when this information becomes public.

The bill is not completely negative. There are some good intentions in this bill, such as that, henceforth, the availability of Canadian census information would be more in line with what other countries provide in terms of releasing their census information after a certain number of years. Countries such as the U.S., Great Britain, Australia and others do in fact after a number of years release their census records because they never had a "forever" provision in their legislation to protect them.



I propose an amendment that would allow keeping the promise made over the years to Canadians who signed the forms between 1918 and 2004. It would allow Mr. Fellegi to keep his promise and the promises of his predecessors. It would eliminate the potential breach of faith with Canadians over all these years, and after 2004 the census forms might be released, depending on the consent provisions, which are still, as I suggested earlier, quite iffy, given that the head of the family signs on behalf of the individuals. My amendment would keep the promises made to Canadians between 1918 and 2004.

#### MOTION IN AMENDMENT

**Hon. Gerald J. Comeau:** Therefore, honourable senators, I move:

That Bill S-18 be not now read a third time but that it be amended in clause 1, on page 1, by replacing line 8, with the following:

“between 1910 and 1918 is no longer subject to”.

**Hon. Fernand Robichaud (The Hon. the Acting Speaker):** It was moved by Honourable Senator Comeau, seconded by Honourable Senator Cochrane:

That Bill S-18 be not now read a third time but that it be amended in clause 1, on page 1, by replacing line 8 with the following:

“between 1910 and 1918 is no longer subject to”.

On motion of Senator Rompkey, debate adjourned.

• (1430)

### FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

#### BILL TO AMEND—THIRD READING

**Hon. Paul J. Massicotte** moved third reading of Bill C-24, to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories).

**Hon. Donald H. Oliver:** Honourable senators, I wish to add some final remarks to the debate on Bill C-24, to amend the Federal-Provincial Fiscal Arrangements Act, as it relates to fiscal equalization payments to the provinces and funding to the territories.

During the second reading debate on February 22, I outlined the constitutional importance of Bill C-24. I will not repeat what I said then.

I do, however, wish to relate to honourable senators some of the important concerns expressed to the Standing Senate Committee on National Finance during our examination of Bill C-24, and the future of the equalization process in Canada.

On Monday, March 7, the committee heard from representatives from the Provinces of Saskatchewan and Prince

Edward Island. The Honourable Harry Van Mulligen, Saskatchewan's Minister of Finance and the Honourable Mitchell Murphy, Provincial Treasurer for the Province of Prince Edward Island, agreed with the content of Bill C-24 and did not ask for amendments to the bill. The bill was reported without amendment, on division. What was clear, honourable senators, was that both provinces were extremely concerned about the future of the equalization program in Canada and where it may be heading.

On February 23, the Parliamentary Secretary to the Minister of Finance, the Honourable John McKay, testified before the Standing Senate Committee on National Finance. In his opening remarks he said that the new framework of Bill C-24 would establish an independent advisory panel of experts to provide advice on how the equalization and territorial formula financing, or TFF arrangements should be allocated in 2006-2007, and beyond.

During our hearings on March 7, both provincial representatives expressed concern that this advisory panel would or might provide the federal government with the authority “to potentially re-write the equalization formula for Canada.” The advisory panel would, *inter alia*, evaluate current practices for measuring fiscal disparities among provinces and territories; examine alternative approaches, such as those based on aggregate macroeconomic indicators — such as GDP, for example — or expenditure needs; review the evolution of fiscal disparities among provinces, and the costs of providing services in the territories, to help governments and citizens evaluate the overall level of support for equalization and TFF; advise whether the Government of Canada should establish a permanent independent body to advise it on the allocation of equalization and TFF. In other words, forgetting the formula but having a new, permanent, independent body that would give advice on how it should be done.

The panel would consist of “four members, including the chairman, appointed by the federal government. Two members would be appointed by the provinces.” One story that appeared in the newspapers yesterday indicated that there were still differences among the provinces as to who would be the provinces’ representatives on this extremely important panel.

During the committee meeting, I asked the provincial treasurer of Prince Edward Island to tell us, since equalization is a federal program, and therefore the federal government is not really obligated to receive approval from the provinces, how confident he was that the current equalization formula would remain intact. His response was the following:

I do not believe the provinces ever endorsed the idea of opening the program to so major a potential change. We have a real concern about the possible outcomes of a new equalization arrangement....

We are not supportive of changing from a representative tax system and adopting a macro approach.

He made it clear that the provinces are extremely concerned about the future of this process, if it is controlled solely by the federal government. Mr. Murphy went on to say:

Given the political nature of future allocations, one can foresee the federal government being resistant to making appropriate reallocations within the formula. We think the consequence of the new formula is that the willingness of the federal government to consider a move away from a representative tax system would be in keeping with the need to reduce the level of reallocations in the new system.

Based on the committee's hearings, it is clear that the provinces do not want the federal government to rewrite the equalization formula.

With this in mind, I would call honourable senators' attention to the bold two-inch headline in yesterday's *National Post* which read, "Premiers Want Cash." The article, written by Anne Dawson and Joe Paraskevas of Ottawa, reported that the "federal government was under fire yesterday" from several provinces concerned about the future of equalization in Canada.

Douglas Brown, a fellow of the Institute of Intergovernmental Relations at Queen's University, stated in the *National Post* that "it is incumbent on the government to consult directly with the provinces, and listen to everyone's concerns," when it relates to equalization formula. He continued:

There is no one-size-fits-all federalism formula. Canada is so diverse. The regions have different needs. It is incumbent on the government to listen to everyone's complaints.

One must wonder what the intentions of the federal government will be with respect to the current equalization formula, given the current demands of several provinces to receive what they call a fair and equitable equalization agreement.

Both the representatives from Saskatchewan and Prince Edward Island, throughout their hearings, paid great tribute to the Standing Senate Committee on National Finance that had been formerly chaired by Senator Murray and the extensive work that the committee did in looking at the formula, and the idea of having a 10-province approach rather than a five-province approach. They paid tribute to the work that the committee had done on equalization. It would be their hope that the Senate would continue to be a watchdog to ensure that the current equalization framework is not susceptible to being transformed, or rewritten, by a federal panel that does not take into consideration the needs of all the provinces.

As I said in my second reading remarks, the current equalization formula is an important constitutionally enshrined process, widely supported and needed in Canada.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I wish to ask a question.

In the evidence before the committee, was it made clear what differences existed among the provinces with respect to the appointment of their two members of the panel? Was there anything given to you about their difficulties, apart from the fact that there were difficulties?

**Senator Oliver:** Honourable senators, the questions were posed and two of the witnesses conferred off the record and talked about it, but they did not put on the record anything about it. One

of the reasons, honourable senators, is that it was not yet public who the other members were to be, or who was even being considered. I do not think that they wanted to put it on the record. The question was posed, and there was a private discussion among some of the witnesses, but it did not go on the record, and they did not give the reasons why there was a disagreement among the provinces as to the choice of provincial representatives.

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Senator Murray:** On division.

Motion agreed to, on division, and bill read third time and passed.

• (1440)

[Translation]

# FINANCIAL ADMINISTRATION ACT CANADA SCHOOL OF PUBLIC SERVICE ACT OFFICIAL LANGUAGES ACT

## BILL TO AMEND—SECOND READING DEBATE ADJOURNED

**Hon. Pierrette Ringuette** moved the second reading of Bill C-8, to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act.

She said: Honourable senators, I am very pleased to move second reading today of Bill C-8, concerning the Public Service Human Resources Management Agency of Canada.

This bill was recently adopted at third reading by the other place. Although it essentially deals with the apparatus of government and is intended to provide legislative confirmation for the Orders-in-Council of December 12, 2003, which established the agency, this bill is a turning point in the administration of the public service.

Therefore, before I go into the details of this bill, I would first like to highlight its importance and list its advantages.

Allow me, if you will, to go back to the recent origin of the agency and talk about its mandate, the primary functions transferred to it, and its priority.

First, as I already mentioned, the agency was established by Order-in-Council as part of the government reorganization on December 12, 2003. The agency reports to the President of the Treasury Board and its purpose is to modernize and foster ongoing excellence in human resources management and leadership throughout the public service.



It was essentially created to rejuvenate, strengthen and modernize human resources management in the public service, a field in which most practices and procedures had not changed in nearly four decades. In order to carry out this ambitious mandate, the agency has assumed most of the human resource management functions formerly belonging to the Treasury Board Secretariat and the Public Service Commission.

One of the objectives of this governmental reorganization was to reinforce the convergence and the capacity of these organizations, which have a central role to play in strengthening overall public sector administration.

That is precisely why the Treasury Board was streamlined and the Public Service Human Resources Management Agency was created. Once streamlined, the Treasury Board Secretariat will be able to focus on administration, management of expenditures and its duties as comptroller, which is a priority for Canadians. Conversely, the new agency will be able to focus essentially on human resources management, including the implementation of the Public Service Modernization Act, formerly Bill C-25, which we adopted last year, and the enforcement of the highest ethics standards throughout the public service, which are also priorities for Canadians.

You will probably remember that before December 12, 2003, most of these functions, whether they related to human or financial resources, were administered by a single entity: the Treasury Board Secretariat. Before the reorganization, this secretariat had to simultaneously manage numerous complex issues related to human and financial resources, including the official languages.

However, in a rapidly evolving and increasingly complex environment, such a diverse series of responsibilities became too onerous, thereby hindering efficiency and effectiveness. The reorganization of December 12, 2003, corrected this.

Now, we have more focused and more visible organizations with a clearer mandate, for which the Treasury Board is still the employer but that are now better able to concentrate their expertise and energy on their own priorities.

As a result, today, the agency incorporates the functions needed to lead the way forward and constitutes the necessary central focus to promote and support a style of human resources management and leadership that is modern, effective and results-based throughout the public service, while ensuring respect for the highest standards with regard to integrity, transparency and accountability.

These functions include implementing the new Public Service Modernization Act, which received Royal Assent on November 7, 2003; development and management of government planning and accountability systems for human resources; reform and management of the public service classification system; management of employment policy; management of professional development programs for managerial staff; implementation of the Values and Ethics Code for the Public Service; and implementation of the Employment Equity Act and the Official Languages Act.

In 2005-06, among other priorities, the agency plans to work with its partners to introduce two major components of the Public Service Modernization Act: the new Public Service Staff Relations Act, in April, and the new Public Service Employment Act, in December.

To further this modernization, the agency will reinforce its legislation through non-legislative measures including reforming the classification system, establishing a more effective integrated planning system for human resources and activities, developing a more vigorous accountability system in terms of human resources management, and helping the departments and agencies adopt more up-to-date, more cost-effective and better integrated methods for delivering human resources services.

In addition, but still related to modernization, the agency will try to rejuvenate and integrate professional development programs for managerial staff recently transferred from the Public Service Commission. The resulting increased consistency will facilitate the training of the leaders of tomorrow.

[English]

This leads to another of the agency's key responsibilities: promoting values and ethics in the public service. Specifically, the agency actively supports the departments and agencies in their efforts to integrate the new values and ethics code for the public service. The agency is also responsible for supporting the government in the development and ultimately in the implementation of the public servants disclosure bill currently being debated in the other place.

• (1450)

Finally, with regard to the Employment Equity Act and the Official Languages Act, the agency is focused on making targeted improvements in each of these areas while developing simplified and more effective tools to make the task easier for departments and agencies. As you can see, the agency is working on a large number of files of the utmost importance, files that not only affect the public administration in general but also directly reflect the concerns of Canadians with regard to the functioning of their public service.

To succeed, we must also demonstrate new leadership; a leadership that is unifying and that facilitates and supports departments, agencies and central agencies in their collective effort to modernize human resource management across the public service. This is why the government has committed itself to doing things differently. The creation of the agency is a reflection of its determination to develop and support excellence through modern and exemplary management of its human resources.

The agency will make it possible to give the attention, direction and support needed to foster and maintain excellence in public management and leadership. It will make it possible to put in place the conditions that public servants need to provide Canadians with quality services while promoting the highest standards of integrity, transparency and accountability.

This is why also, last October, the government tabled in the other place Bill C-8, aiming to confirm by legislative means the Order-in-Council that created the agency. Indeed, by providing a legislative base, such a bill will give a greater visibility, legitimacy and stability to the agency that only a legal framework can provide. This will enable the leadership it needs to facilitate the modernization of human resources management across the public service, as well as the implementation of its policies, programs and services.

Second, a legislative mandate will clarify the role of the agency within the system, including with unions. In particular, it will clarify relationships within the Treasury Board portfolio, as well as with the Treasury Board in its role as employer.

Third, a legislative base will support better integration of activities relating to human resource management within the Treasury Board portfolio.

This is all fully consistent with the recommendation made by the Auditor General of Canada in the recently tabled report. This report recognizes that, for the most part, roles and responsibilities for human resources management have been clarified. However, it also recommends that the roles of the new agency be further clarified to define its expected contribution to human resources governance and its relationship to other stakeholders. This is precisely what Bill C-8 is contributing to.

Finally, and perhaps most significantly, giving a legislative basis to the agency demonstrates the importance that the government places on human resources management. It signals government's recognition that its most precious resource is its employees, the people who are in the service of Canadians. That is the "why" of Bill C-8.

I will now conclude with the content of this bill. As I mentioned in the introduction, Bill C-8 simply gives legislative confirmation to the Orders-in-Council that created the agency. It does not change powers or functions already conferred on the agency. It merely enshrines in legislation what already exists in fact.

Essentially, Bill C-8 does four things: It adds the position of president of the agency to the Financial Administration Act, just as the Secretary of the Treasury Board and the Comptroller General are already identified therein; it specifies the nature of the powers and functions that may be delegated by the Treasury Board to the president of the agency, in the same manner as is set out in the Financial Administration Act for the others. It also stipulates that the President of the Treasury Board is responsible and accountable for coordinating the activities of the Treasury Board Secretariat, the Comptroller General of Canada and the president of the agency.

Please note that the term "accountable" was added as an amendment at the time of the review by the Standing Committee of Operations and Estimates. This is the only amendment that was made to Bill C-8. It was unanimously adopted in the other place.

Finally, Bill C-8 requires correlative amendments to two other acts. It requires an amendment to the Canada School of Public Service Act to appoint the president of the agency as an ex officio member of the school's board of governors, replacing the

President of the Public Service Commission; and it also requires an amendment to the Official Languages Act to stipulate that it is the president of the agency, rather than the Secretary of the Treasury Board, who will provide the Commissioner of Official Languages with any audit reports that are prepared under the responsibility of the Treasury Board.

As you can see, although there are relatively modest additions to the Financial Administration Act, Bill C-8 constitutes a key step for public service administration. As the largest employer in Canada, the government's ability to meet the expectations of Canadians depends on the quality, commitment and integrity of its public servants.

In doing so, the agency is working to modernize, improve and integrate into a coherent whole all the functions conferred upon it. It seeks not only to improve culture, value, behaviour and practice but also the tools that are essential to a modern public service that is capable of meeting the expectations of all Canadians, and that is worthy of their trust and respect. The agency's reason for being is rooted in change and the continued support for excellence in human resources management.

[Translation]

Creation of a true human resources management agency with a legislative framework sends the unequivocal message to all Canadians, all public servants and all union representatives, that sound management of human resources is a priority for the Government of Canada.

This is why, honourable senators, if the Senate is agreeable, I would like this bill to be referred to the Standing Senate Committee on National Finance as soon as possible.

On motion of Senator Stratton, debate adjourned.

[English]

## BUSINESS OF THE SENATE

### POINT OF ORDER

**Hon. John G. Bryden:** Honourable senators, I do not know whether someone has raised this matter before, but recently, three or four times during every sitting, there is an annoying and disturbing buzzing sound that goes off. It is not my pacemaker, either. I wish that were all that was wrong there. I hear people saying, "There goes another BlackBerry."

In the Old West, when you came into the saloon, you checked your gun at the door. Would it not be possible to check these BlackBerries, or turn them off or do something with them? When someone is in full flight, trying to make a speech or make a point, these things keep going off.

That is my point of order. Is there not something that can be done to stop these interruptions? We try to remember to turn the cell phones off or leave them outside of the chamber. If we do not do something about the BlackBerries, we will have to develop a spray for them!



**Hon. Terry M. Mercer:** Honourable senators, on this issue, I am not sure we have confirmed that this noise is being caused by BlackBerries. If someone can confirm that, then it is something we should deal with. If that is the case, we need to improve the technology in the Senate because the modern communications tools being used by quite a few of us include BlackBerries.

• (1500)

I know more than most that the nickname of these devices is not BlackBerries but crack berries. They are more addictive than crack cocaine.

I would ask that we not ban BlackBerries until we are absolutely certain that they are the cause of the noise. If they are the cause, then we should look at technology that will continue to allow us to use modern communications tools in the Senate.

**Hon. Serge Joyal:** Honourable senators will want to know that rule 19(4) deals with this issue. It states:

19. During any sitting of the Senate,

(4) No person, nor any Senator, shall bring any electronic device which produces any sound, whether for personal communication or other use into the Senate Chamber, whether on the floor, inside the Bar, outside the Bar or in the galleries;

It is quite clear that there is such a prohibition. We just have to enforce it.

[Translation]

**Hon. Jean Lapointe:** Honourable senators, I have acquired a BlackBerry, but no one will ever be able to accuse me of using it in here. I do not even know how to operate it.

[English]

**Senator Bryden:** I appreciate being reminded about that rule, as I had forgotten about it. However, a valid point was raised as to whether it is the BlackBerries that are causing the sound. The only reply that I would give Senator Mercer is that we never heard that sound prior to two things occurring: the introduction of the BlackBerry and the appointment of the last two senators to the chamber.

**The Hon. the Speaker:** Honourable senators, the issue of interference on our sound system and the fact that the noise is annoying and prevents senators from actually listening to or participating in debate is a good one. I will ask the table to investigate further. The object will be to eliminate this problem that the honourable senator has identified and that we have all noticed. Attempting to deal with the issue as a matter of debate is not permitted by our rules.

## QUARANTINE BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Pépin, seconded by the Honourable Senator Mahovlich, for the second reading of Bill C-12, to prevent the introduction and spread of communicable diseases.

**Hon. Wilbert J. Keon:** Honourable senators, I am pleased to participate in the debate on second reading of Bill C-12, which proposes a new quarantine act. The existing Quarantine Act was introduced in 1872, and since that time it has not been significantly altered. This bill proposes an update to the various measures taken during a public health emergency to prevent the introduction and spread of communicable diseases by conveyance and travellers.

It is quite an understatement to say that the world has changed since the Quarantine Act was first introduced over 130 years ago. The commonplace use of air travel has significantly increased our vulnerability to the spread of communicable diseases regardless of their place and origin. This, of course, was brought sharply to the attention of all Canadians in 2003 through our experience with severe acute respiratory syndrome, or SARS.

The SARS crisis must inform how we regard this bill. I am sure all honourable senators fully remember the fear and confusion that resulted from the rapid spread of the mysterious new respiratory disease. Forty-four people in the Toronto area lost their lives to SARS, over 400 others became sick, and 1,000 were placed in quarantine. Its impact on the economy of that city was devastating and had repercussions right across the country.

Beyond the regrettable loss of life and the serious economic blow, this crisis exposed critical flaws in how urgent public health issues are handled in this country. Clearly, we are not as prepared as we should have been. After the emergency had passed, it was evident that we had to take a hard look at what went wrong and determine how a similar situation could be avoided in the future.

To this end, several reviews were carried out, some of which I participated in. The Province of Ontario established a commission chaired by Justice Archie Campbell to examine how its health system handled the crisis. The federal government responded similarly by establishing the National Advisory Committee on SARS and Public Health, which was chaired by Dr. David Naylor of the University of Toronto. Also, the Standing Senate Committee on Social Affairs, Science and Technology offered its own suggestions on how best to safeguard public health in the country.

The Naylor report blamed the severity of the crisis on a combination of factors: poor leadership; a lack of cooperation between provincial and federal agencies; and a long-standing funding and staff shortage. One of the report's major recommendations was to establish a public health agency of Canada that would act independent of Health Canada and would facilitate the coordination of a national response to the next public health crisis.

The Standing Senate Committee on Social Affairs, Science and Technology supported the call for an arm's-length agency dedicated to health protection and promotion, along with many other proposals from the Naylor report. Our committee recommendations included a call for a more comprehensive disease surveillance system across the country and a review of the capacity and protocol for public health laboratories across jurisdictions.

The creation of the Public Health Agency was acted upon relatively quickly along with the appointment of our first Chief Public Health Officer, Dr. David Butler-Jones. The enabling legislation for the Public Health Agency, however, has yet to be introduced in Parliament. I urge the government to move quickly on this matter.

I would also urge the federal government to provide the Public Health Agency with adequate funding. The recent federal budget committed \$34 million over five years for pandemic influenza preparedness. The Minister of Health has said that he is disappointed with this amount and will consider it as a down payment.

Honourable senators, we have heard warnings in recent weeks related to the deadly strain of avian flu that has spread in Southeast Asia. Both the U.S. Centres for Disease Control and the World Health Organization have said that they have grave fears that a mutation in the virus could lead to an influenza pandemic. These warnings serve to remind all of us that although we are two years removed from SARS, a sense of urgency to guard against all infectious diseases must remain.

The bill now before us deals with both travellers and conveyances, such as aircraft, as they arrive in our country or are about to depart. It provides measures to screen, examine, treat and detain travellers in the event of a public health emergency. Conveyances and their cargo may be diverted, detained, inspected, cleansed or even destroyed if anything on board is determined to be the source of a communicable disease.

This bill extends broad powers to the Minister of Health. The minister may take possession of any place in the country to establish a quarantine facility after consultation with the public health authority of the relevant province. Any point in Canada may be designated as an entry or departure point by order of the minister, if it is necessary to stop the spread of a communicable disease.

The minister is also given the power to designate qualified persons to act as a screening officer or an environmental health officer. Similarly, qualified medical practitioners may be designated as quarantine officers. These officers would carry out a wide range of duties, including undertaking health assessments and ordering medical examinations. They are obliged to report cases of infection and also have certain responsibilities regarding travellers. If a person is placed under quarantine, at least every seven days the quarantine officer must inform the traveller of the reasons that their detention is still necessary.

• (1510)

Under this proposed legislation, travellers have certain obligations as well. It is their duty to provide relevant information to screening officers or quarantine officers and to tell them if they suspect they might be infected with a communicable disease. Travellers must also comply with any reasonable measure to prevent the introduction and spread of a disease as ordered by a quarantine officer.

The schedule attached to this bill lists 25 communicable diseases, including SARS. It is worth noting that the existing Quarantine Act lists only four: cholera, plague, yellow fever and smallpox. Some of those diseases may seem obsolete but, in fact, they are still present, though in quite small numbers. For example, Health Canada says that between 10 and 15 people die of the plague each year in the southwestern United States. However, the Public Health Agency says that the last reported case in Canada was in 1924.

It has been suggested, honourable senators, that perhaps the schedule as it now stands lists diseases that do not pose a serious threat to Canadians, or may be diseases that, although serious, cannot be spread through person-to-person contact. One such example that has been raised is that of tularemia, a bacterial infection passed from rodents to humans. It was in the news not too long ago, as there were fears that people could contract it from an infected supply of pet hamsters that had been distributed in several provinces. At present, this disease cannot be transmitted from person to person. We hope that the schedule will be studied in closer detail during the committee review.

Compensation for expropriated property has been raised as an area of concern regarding this bill. Under clause 8, the minister may compensate any person for the use of their place as a quarantine facility. Some have questioned why the issue of compensation is left up to the discretion of the minister, with no reference as to how the regulations will handle compensation for the owners of these facilities.

Clause 6 of the bill states that the operator of a facility that contains a customs office shall provide that facility to the minister free of charge if it is considered necessary to establish a quarantine station. Several Canadian airports would fall under this category. A concern has been expressed that airport authorities would be required to take on excessive costs related to providing their facilities in the event of an infectious disease emergency, with no hope of receiving federal compensation once the crisis was over.

During the SARS outbreak in Toronto, the vast majority of people instructed to isolate themselves did so accordingly. However, in a few instances, mandatory quarantine orders had to be issued against individuals. This bill makes provision for such detentions and gives judges the power to compel travellers to submit to a medical examination or treatment to control the spread of a communicable disease. Those who do not comply may be arrested. Heavy fines and jail terms may be imposed upon those who wilfully break orders related to quarantine measures, such as leaving quarantine facilities without authorization or refusing non-invasive medical treatment as ordered by an officer. While these may seem to be severe measures to some people, I do believe they reflect the gravity with which we must handle these rare public health emergencies.



Honourable senators, we may hope that these measures are never necessary, but we must also be practical. Not long ago, an unknown disease and our lack of vigilance combined to produce tragic consequences. We must not allow that to happen again. Our preparedness should include legislation that will facilitate the protection of the public health during a crisis, while respecting concerns related to privacy, jurisdiction and compensation.

I look forward to committee examination of this bill.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

#### REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

#### NATIONAL SECURITY AND DEFENCE

##### BUDGET—REPORT OF COMMITTEE ON STUDY OF NATIONAL SECURITY POLICY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Moore, for the adoption of the seventh report of the Standing Senate Committee on National Security and Defence (budget—study on the necessity for a National Security policy), presented in the Senate on February 24, 2005.—(*Honourable Senator Tkachuk*).

**Hon. Joseph A. Day:** Honourable senators, I spoke to Senator Tkachuk on this matter. I understood that he was intending to put a short statement on the record today and then not speak further on the matter. I wonder whether my colleagues opposite have information in that regard. I know what the statement is, but perhaps it should come from my colleague.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, I think there is a little confusion. Our understanding is that Senator Kenny was to make such a statement. We are anticipating that statement when he returns.

Is that correct?

**Senator Day:** Honourable senators, it is indeed my understanding that Senator Kenny has agreed to make a statement when he returns. As senators know, he is currently travelling with his committee. I understood that Senator Tkachuk

was content with the undertaking that was given to him by Senator Kenny and that, on that basis, he was intending to withdraw his name from the adjournment of this motion.

**Senator Stratton:** Perhaps Senator Day could enlighten us as to the nature of that statement?

**Senator Day:** Honourable senators, I have not seen the statement, but I understand that Senator Tkachuk had some concerns about a newspaper article, the subject of which was a question to the leader in the house yesterday. He subsequently indicated his concerns to Senator Kenny, and Senator Kenny indicated that he would speak to that concern when he returns.

• (1520)

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, I do not understand what is happening. I do not see how we could hear a statement once the item is no longer on the Order Paper and if there is to be a vote on this today at some point. I am having trouble following.

[English]

**The Hon. the Speaker:** Honourable senators, it is my understanding that comments are being made as requested by Senator Day when he rose to speak to this matter.

**Hon. Serge Joyal:** Honourable senators, I have the seventh report in my hand, and it states that the committee is requesting \$914,000. I am not opposed to a committee travelling across the country. Each committee may decide to do so for the sake of obtaining expert testimony or for other reasons. However, when a committee that was formed only two years ago seems to travel all the time, then the house can expect an explanation as to why travel seems to be inherent to the existence of that committee. When a committee comes before the house with a budget that is so large relative to the entire budget for all committees, then, in all fairness, we should be informed. I am a member of this chamber, and so I should be told why, repeatedly from one year to the next, one committee needs to travel continually to such places as Dubai or any other exotic location mentioned in this report. It might be for good reasons. I do not want to question the wisdom of the members of the committee who have decided on such travel. When we read the estimates in the famous Blue Book, we see these kinds of various expenses from one year to the next, but we have no idea in what context those activities take place.

I know that the chairman of this committee is very active and that he produces reports and has media coverage of the work of the committee. This is an exceptionally large budget when compared to the budgets of other committees that work equally as hard. Their budgets are a mere fraction of this one. One example is the Legal and Constitutional Affairs Committee, on which I have been sitting for eight years. I do not know how many bills we receive during a session or a Parliament. It would be fair for the members of this committee to receive a detailed explanation as to why, from one year to the next, the defence committee's budget has to come back. Perhaps it is linked to the nature of the committee, and perhaps I was not persuaded of that when the motion was discussed to amend the *Rules of the Senate*

to add that standing committee. When I voted in favour of creating the Standing Senate Committee on National Security and Defence, it was not inherent that the committee would spend \$1 million per year to travel around the world.

A committee chaired by Senator Fairbairn is currently reviewing the anti-terrorist legislation and is considering travel to Washington, D.C. I could propose that the committee should travel to Afghanistan, to Madrid, to Dubai or to any other country where terrorism has occurred during the last few years. Committee members could be gone for a year. The reality, however, is that the committee has decided on another option. It will hear testimony from around the world via teleconference. Should authorization to sit next week be given, the committee will hear testimony on Monday and Tuesday from 12 different witnesses, some from Singapore and Norway, by videoconference. Of course, I would like to travel to those countries, even though I am old. Senator Lynch-Staunton, who is younger, would surely like to go.

Honourable senators, I say this in all fairness and with the greatest of respect for Senator Kenny and his dynamism. When a committee requests \$1 million for its budget, the house is owed an explanation; and because this budget request is signed by the chair of the committee, the house is owed an explanation from Senator Kenny.

**Senator Day:** Honourable senators, as a point of clarification, the seventh report has an Appendix "B," the amount that has been recommended by the budget subcommittee of Internal Economy, which was \$160,000 less than the amount requested. The amount that the subcommittee recommended was \$657,000, which was subsequently considered by the Internal Economy Committee and is being recommended now to the house. We do not want to compare the work of committees and the size of their respective budgets, but this particular budget has been reduced by \$160,000. The budget of the Social Affairs, Science and Technology Committee is in excess of this particular budget by approximately \$50,000, and it was reduced by the Internal Economy subcommittee on budgets by \$100,000. That budget was agreed to yesterday in the amount of approximately \$700,000.

Honourable senators, I speak now as a member of the Internal Economy Committee. The subcommittee that reviews the proposed budgets looks at each one closely. The statements made by Senator Kenny convinced the subcommittee and the full Internal Economy Committee that this is a very special study dealing with the need for a national defence policy, which was requested by the Minister of Defence and cabinet. Both the Senate and the House of Commons are developing input to a national defence policy. The current mandate of the Defence Committee is a rushed special study that will conclude some time this year. Honourable Senator Joyal will have an opportunity then to hear what the committee will propose following that work.

**Hon. Lowell Murray:** Honourable senators, I followed the remarks of the Honourable Senator Day carefully and with considerable interest. He has told us, essentially, that the presented budget is \$160,000 less than the amount originally requested. The moral of the story, from his point of view, is that it could have been worse. He then concluded by suggesting that in due course we would hear what plans they have for the future. The moral of that story is that it may be worse yet!

• (1530)

I would not want to be deprived, nor to deprive the Senate, of the pleasure of hearing Senator Kenny, the chairman of the committee, provide the explanations that have been asked for by Senator Joyal in his intervention. Therefore, I would ask the Senate whether honourable senators would support a motion to adjourn the debate, which I have made.

On motion of Senator Murray, debate adjourned.

[Translation]

## THE SENATE

### RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE DEBATE CONTINUED

On the order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (full name of the Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.—(Honourable Senator Rompkey, P.C.)

**Hon. Jean Lapointe:** Honourable senators, I will be brief. Yesterday I was in the Senate during prayers, recited with dignity by our Speaker. I would like to mention that the prayer begins with this phrase, and I quote:

Lord God, protect our Queen and bless the people of Canada.

You will notice that the prayer does not say, "Lord God, protect our Queen." Period. That brings me to Senator Lavigne's motion to amend the rules, which I heartily endorse.

Senator Lavigne suggests that each senator shall, after taking his or her seat, take and subscribe an oath of allegiance to Her Majesty and to our country, Canada.

Honourable senators, I have a great deal of admiration and sympathy for the Queen of England; she is a very brave person who has, with dignity, gone through some difficult times, both in her family and in politics. But I also want to point out that the amendment to the rules moved by Senator Lavigne takes nothing away from Her Majesty Elizabeth II, Queen of England. This motion, if adopted, would only increase our feeling of belonging to Canada, the most beautiful country in the world.



I urge all senators in this chamber to vote in favour of this motion which, I believe, will strengthen the unity of our country. It is time for pride in Canada to valued and given a place in all of Parliament's ceremonial events.

On motion of Senator Downe, debate adjourned.

[English]

## STATE OF POST-SECONDARY EDUCATION

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the state of post-secondary education in Canada.—(*Honourable Senator Kinsella*)

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I want to thank my colleagues who have already spoken in the debate on this very important inquiry. There is no doubt in my mind that Canada must do everything it can to ensure that the country has the best post-secondary education system in the world, and that students are encouraged to aspire to be the very best they can be, whether it is in the classroom, in the research laboratories, or as they probe the new frontiers of knowledge.

Understandably, Canadian universities welcomed the budget pledge to sustain the momentum of its research investments and, in particular, the budget recognition of the need for increased funding for federal granting councils, and for the indirect costs of research. In the words of Claire Morris, president of the Association of Universities and Colleges of Canada:

Investing in new ideas and innovation is crucial to a globally competitive economy. Other countries are investing substantially in research and innovation, and Canada will need to continue to do the same.

Honourable senators, research and innovation are but part of a complex set of responsibilities that must be met by the university of the 21st century. Therefore it was disappointing that the Government of Canada failed to address these areas either in the Speech from the Throne of last October or in the Budget Speech of last week. The government did not articulate any plan for assistance to universities. It simply stated in the budget that some additional funds would be available. Again, the October Speech from the Throne was also devoid of any stated vision or strategic plan for our universities in Canada.

One might prudently ask whether or not we are sure that there is not already a proper assignment of money in the university system, for without any evaluation or audit of how the significant monies presently contributed to universities is being spent, can we be sure that having more money is the only answer to the problem?

By way of reference, we have heard it articulated in this chamber about the health delivery system in Canada. Many have argued in this chamber that simply throwing more money at the

health delivery system without a fundamental audit and evaluation of the way in which we deliver health care may not be the proper way to proceed.

Therefore, I ask this as a question: Are we sure that the money that is already available, which is significant, is being properly spent? Clearly, without an evaluation and a detailed fiscal and social audit of the present system, together with a solid national strategic plan adopted by the federal and provincial governments, we will not be very prudent.

I wish to argue that what has been stated in this chamber about post-secondary education constitutes a solid base for asserting that we must rethink and retool our universities and colleges if Canada is to prosper in this new era.

I am not prepared to accept, honourable senators, the claim that universities and colleges just need more money, and that would solve all of the problems. I am prepared, however, to accept the position that current student indebtedness is a national scandal and that it must be solved; but I ask, is throwing more money at universities without a fundamental audit and evaluation of the model of university operations a responsible response by the public sector?

In the past year in this chamber, the problem of deferred maintenance at Canadian universities was canvassed. We in this chamber were all shocked to learn that the accumulated deferred maintenance across Canadian university infrastructure is in the billions of dollars. That this situation has been allowed to develop must speak to the level of efficiency, or lack thereof, within the management systems of our universities. The major costs, honourable senators, at the universities need to be subjected to an audit and evaluation. The contribution by federal and provincial governments, as well as the private sector and the tuition paid by students, in total represents significant dollars.

• (1540)

For example, honourable senators, the model of the teaching year needs to be examined. In many universities across Canada, classes do not operate on a 12-month per year basis but rather only at a fraction of that amount of time. Honourable senators, teachers are in the classroom for a very small portion of the year.

In any other sector, if you had a huge infrastructure and a huge staff but only operated for eight months of the year, that business would not be very effective. That is why I think that a national inquiry should be undertaken on the structure and operation of universities and colleges in Canada in the world of the year 2005 forward. Given the constitutional and jurisdictional issues, I would suggest that a first minister's meeting be convened with a view to agreeing on the terms and conditions of such an inquiry. Failing leadership by the Prime Minister to convene a first minister's meeting on post-secondary education, then I would urge members of the Senate to conduct such an inquiry.

A third millennium model of post-secondary education is clearly in the public interests of all Canadians. Other countries around the world have learned this reality. I would underscore the title of the Toronto-Dominion special report of March 2004, which sums up this issue succinctly with the title "Time to Wise Up on Post Secondary Education in Canada."

[ Senator Lapointe ]

Honourable senators, a new paradigm, a new model for post-secondary education in Canada might well draw on the best practices of other countries. Ireland is a good example of a nation that has grasped the concept that a higher standard of living is linked to higher levels of post-secondary education. In the last decade, government support for post-secondary education has markedly increased and, at the same time, their economy has experienced a tremendous uprising. This has resulted in a higher standard of living. The Department of Education and Science Ireland reports:

The growth in tertiary education in Ireland has been extraordinary with the age participation rate rising from 11 per cent in 1965 to an estimated 57 per cent in 2003 and in numbers from about 21,000 in 1965 to over 137,000 by 2003....

The growth of tertiary education has been accompanied by a two-and-a-half-fold improvement in average material living standards. There is general agreement among representatives of Government and of tertiary education that the expansion has been enormously beneficial both to Irish society and to the economy.

Honourable senators, last fall we had visiting us in the Senate student leaders from across Canada. These bright, articulate Canadians underscored the very real obstacles that now stand in their way when they seek university access. Since 1990-91, university tuition has nearly tripled. An average undergraduate arts and science student now must pay \$4,172 per year, just in tuition, while his or her counterpart in a professional program must produce \$12,311 for tuition. It does not take an economist to realize that once inflation is factored in, the cost of obtaining a post-secondary education has skyrocketed.

Clearly, Canada is in violation of its international obligation pursuant to the International Covenant on Economic, Social and Cultural Rights, which provides, in article 13(2)(c) that:

Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.

That is an obligation that we undertook, with the agreement in writing of every jurisdiction in Canada, as far back as 1976.

I would be remiss in saying that the time to act is now, since lawmakers already should have worked to address these issues long before today. However, the problem still exists, and is only being compounded with each passing year.

In their brief to honourable senators and members of the other place, the Canadian Alliance of Student Associations listed various policy objectives that the Government of Canada could pursue. I agree completely with the recommendations, and I am supportive of the work they are doing. They are genuinely

interested in making post-secondary education more affordable and accessible for students across this country.

I am confident that this chamber will continue to do its part to help the students and reorientate the Canadian university infrastructure based on a first step of a clear social and economic audit of the money that is already in the system, and whether or not we are operating our universities in the world of this millennium. If we look at the university infrastructure and how it ought to be operating from year 2005 to year 2025, a radical change in the paradigm is probably in order, but it would be presumptuous of any of us to make these kinds of projections in terms of kinds of detail or kinds of new sources of funding if we do not know how the money currently is being spent, if we do not know the level of utilization of the infrastructure that is already in place, or if we do not know how many hours a week our professors are in the classroom.

For example, in most universities across Canada, professors are teaching three courses per semester, three hours a week per course, which is usually classroom time of nine hours a week, and they do this from September to December at the most, and a second semester from January to April at the most. They have nine hours a week in preparation time and consultation with students, et cetera. There is a one-month, paid vacation. As to what is happening for the other 25 per cent of the year, our universities need to take a hard look at whether or not every classroom and lab is being used not eight months of the year but 12 months of the year. That is a hypothesis. It can only be tested by a social and economic audit, which has never occurred.

I think a federal-provincial initiative should be undertaken. First, there should be a meeting of the federal and provincial ministers responsible to set the parameters for such a base study before we simply throw more money at post-secondary education.

On motion of Senator Moore, debate adjourned.

## BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, before I move the adjournment motion, I would ask the Senate's indulgence. Earlier today, I gave notice inadvertently under Notices of Motion rather than Government Notices of Motion. I was temporarily out of the chamber, but of course my motion should more appropriately have been put under Government Notices of Motion. I would ask if the Senate would agree to apply my motion to Government Notices of Motion and let the record show that, if that is agreeable?

**The Hon. the Acting Speaker:** Honourable senators, is it agreed?

**Hon. Senators:** Agreed.

The Senate adjourned until Thursday, March 10, 2005, at 1:30 p.m.



# CONTENTS

Wednesday, March 9, 2005

	PAGE		PAGE
<b>Visitors in the Gallery</b>		<b>International Trade</b>	
The Hon. the Speaker . . . . .	862	United States—Imposition of Tax on Hog Industry.	
		Hon. Leonard J. Gustafson . . . . .	867
		Hon. Jack Austin . . . . .	867
<b>SENATORS' STATEMENTS</b>		<b>Agriculture and Agri-Food</b>	
<b>Canadian Engineering Memorial Foundation</b>		Bovine Spongiform Encephalopathy—Aid to Cattle Industry—	
Hon. Mac Harb . . . . .	862	Culling of Older Animals.	
<b>Canada-United States Relations</b>		Hon. Gerry St. Germain . . . . .	867
Bovine Spongiform Encephalopathy—		Hon. Jack Austin . . . . .	867
Closure of Border to Canadian Cattle.		<b>Canada-United States Relations</b>	
Hon. David Tkachuk . . . . .	862	Missile Defence Program—Documentation on Proposal.	
<b>Early Learning and Child Care Initiative</b>		Hon. Noël A. Kinsella . . . . .	867
Hon. Marilyn Trenholme Counsell. . . . .	863	Hon. Jack Austin . . . . .	868
<b>Royal Canadian Mounted Police</b>		<b>L'Assemblée parlementaire de la Francophonie</b>	
Tribute to Slain Constables.		Meeting, January 29-30, 2005—Report Tabled.	
Hon. Gerry St. Germain . . . . .	864	Hon. Rose-Marie Losier-Cool . . . . .	868
<b>Overtaxation</b>			
Hon. Donald H. Oliver . . . . .	864	<b>ORDERS OF THE DAY</b>	
		<b>Statistics Act (Bill S-18)</b>	
<b>ROUTINE PROCEEDINGS</b>		Bill to Amend—Third Reading—Debate Continued.	
<b>Transport and Communications</b>		Hon. Gerald J. Comeau . . . . .	868
Notice of Motion to Authorize Committee to Meet During		Motion in Amendment . . . . .	870
Adjournment of the Senate.		<b>Federal-Provincial Fiscal Arrangements Act (Bill C-24)</b>	
Hon. Joan Fraser . . . . .	864	Bill to Amend—Third Reading.	
<b>The Senate</b>		Hon. Paul J. Massicotte . . . . .	870
Notice of Motion to Authorize Select Committees to Meet During		Hon. Donald H. Oliver . . . . .	870
Adjournment of the Senate.		Hon. Jack Austin . . . . .	871
Hon. Bill Rompkey . . . . .	865	<b>Financial Administration Act</b>	
		<b>Canada School of Public Service Act</b>	
<b>QUESTION PERIOD</b>		<b>Official Languages Act (Bill C-8)</b>	
<b>Transport</b>		Bill to Amend—Second Reading—Debate Adjourned.	
Northumberland Ferry Service—Funding Cutbacks.		Hon. Pierrette Ringuette . . . . .	871
Hon. Donald H. Oliver . . . . .	865	<b>Business of the Senate</b>	
Hon. Jack Austin . . . . .	865	Point of Order.	
<b>Royal Canadian Mounted Police</b>		Hon. John G. Bryden . . . . .	873
Closure of Edmonton Forensic Laboratory.		Hon. Terry M. Mercer . . . . .	874
Hon. Gerald J. Comeau . . . . .	865	Hon. Serge Joyal . . . . .	874
Hon. Jack Austin . . . . .	865	Hon. Jean Lapointe . . . . .	874
Hon. Gerry St. Germain . . . . .	865	<b>Quarantine Bill (Bill C-12)</b>	
<b>Citizenship and Immigration</b>		Second Reading.	
Work Permit Program for Exotic Dancers.		Hon. Wilbert J. Keon . . . . .	874
Hon. David Tkachuk . . . . .	866	Referred to Committee . . . . .	876
Hon. Jack Austin . . . . .	866	<b>National Security and Defence</b>	
<b>Privy Council Office</b>		Budget—Report of Committee on	
Rejection of Appointment of Mr. Glen Murray as Chairman		Study of National Security Policy—Debate Continued.	
of the National Round Table on the Environment and Economy.		Hon. Joseph A. Day . . . . .	876
Hon. Terry Stratton . . . . .	866	Hon. Terry Stratton . . . . .	876
Hon. Jack Austin . . . . .	866	Hon. Fernand Robichaud . . . . .	876
		Hon. Serge Joyal . . . . .	876
		Hon. Lowell Murray . . . . .	877
		<b>The Senate</b>	
		<i>Rules of the Senate</i> —Motion to Change Rule 135—	
		Oath of Allegiance—Debate Continued.	
		Hon. Jean Lapointe . . . . .	877
		<b>State of Post-Secondary Education</b>	
		Inquiry—Debate Continued.	
		Hon. Noël A. Kinsella . . . . .	878
		<b>Business of the Senate</b>	
		Hon. Bill Rompkey . . . . .	879







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CANADA



# Debates of the Senate

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1st SESSION

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38th PARLIAMENT

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VOLUME 142

•

NUMBER 44

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OFFICIAL REPORT  
(HANSARD)

Thursday, March 10, 2005



THE HONOURABLE FERNAND ROBICHAUD  
ACTING SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, March 10, 2005

The Senate met at 1:30 p.m., the Honourable Fernand Robichaud, Acting Speaker in the chair.

Prayers.

[Translation]

### ROYAL ASSENT

The Hon. the Acting Speaker informed the Senate that the following communication had been received:

#### RIDEAU HALL

March 10, 2005

Mr. Speaker,

I have the honour to inform you that the Honourable Ian Binnie, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 10th day of March, 2005 at 12:38 p.m.

Yours sincerely

Curtis Barlow  
Deputy Secretary  
Policy, Program and Protocol

The Honourable  
The Speaker of the Senate  
Ottawa

Bill assented to Thursday, March 10, 2005

An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories) (*Bill C-24, Chapter 7, 2005*)

[English]

## SENATORS' STATEMENTS

### TIBETAN NATIONAL UPRISING

#### FORTY-SIXTH ANNIVERSARY

**Hon. Jane Cordy:** Honourable senators, I rise today to recognize the forty-sixth anniversary of the Tibetan national uprising. On this day in 1959, thousands of Tibetans revolted against the oppression of Chinese rule. This revolt resulted in the death and imprisonment of thousands of Tibetans and sent many more into exile.

Today we are reminded of the plight of the Tibetan people who for the past 46 years have been struggling against Chinese oppression. The Dalai Lama, who lives in exile himself, has continued to work tirelessly over the years to reach a peaceful resolution with the government of the People's Republic of China. Hopefully, with the help of Canada and the international community, the Dalai Lama's efforts in pursuing the middle-way approach will be successful and will allow exiled Tibetans to return to their homeland.

### FUNDING OF POST-SECONDARY EDUCATION

#### ADOPTION OF RESOLUTION BY LIBERAL PARTY

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to inform this chamber of very recent developments in a subject dear to my heart and dear to the hearts of others present here today as well.

Our efforts to propose changes to the manner in which the federal government accounts for and disburses funding for post-secondary education has been advanced. On March 4, 2005, the Liberal Party of Canada adopted as party policy the following resolution:

(a) THAT the Liberal Party of Canada urge the federal government to consider legislation that will ensure stable and predictable funding for post-secondary education; and

(b) THAT the Liberal Party of Canada urge the Federal Government to create the Canada Education Transfer (CET), a separate transfer of funds dedicated to post-secondary education; and

(c) THAT the Liberal Party of Canada urge the Federal Government to reach an agreement that prevents provinces and territories from decreasing their own funds for post-secondary education once additional federal funding has been added; and

(d) THAT the Liberal Party of Canada urge the Federal Government to change the funding formula for post-secondary education to provide that per capita funding be granted to the province of the place of learning of the student.

The adoption of this resolution demonstrates once again the manner in which the Liberal Party of Canada has maintained its concern for all members of our society. It understands issues which affect the young people of Canada, and it is able to provide solutions to these problems.

My fellow senators, I must thank the Young Liberals of Canada, Senator Terry Mercer and Michael Savage, a member of the other place and chair of the Liberal Party Post Secondary and Research Caucus, for their hard work in having this resolution adopted as policy. I also extend my thanks and gratitude to the

Canadian Federation of Students, the Canadian Alliance of Student Associations, the Canadian Association of University Teachers and the Association of Universities and Colleges of Canada for their active support in pursuit of this policy.

In closing, I also wish to express my appreciation to the members of this chamber who have spoken out on so many occasions with regard to this very important subject.

• (1340)

## ROUTINE PROCEEDINGS

### CANADIAN LANDMINE FUND

#### 2003-04 REPORT TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table a report from Foreign Affairs Canada entitled, *Finishing the Job: Report of the Canadian Landmine Fund, 2003-04*.

### FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Jane Cordy**, for Senator Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### NINTH REPORT

Your Committee, to which was referred Bill C-39, An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment has, in obedience to the Order of Reference of Tuesday, March 8, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

WILBERT J. KEON  
*Deputy Chair*

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Cordy, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT BILL

#### REPORT OF COMMITTEE

**Hon. Nick G. Sibbeston**, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

#### FOURTH REPORT

Your Committee, to which was referred Bill C-20, *An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts*, has in obedience to the Order of Reference of Wednesday, February 16, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICK G. SIBBESTON  
*Chair*

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Fitzpatrick, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### HUMAN RIGHTS

#### BUDGET—REPORT OF COMMITTEE ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS PRESENTED

**Hon. A. Raynell Andreychuk**, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Human Rights has the honour to present its

#### THIRTEENTH REPORT

Your Committee was authorized by the Senate on Wednesday, November 3, 2004, to examine and report upon Canada's international obligations in regard to the rights and freedoms of children.



Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK  
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 566.)

**The Hon. the Acting Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

#### BUDGET—REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS PRESENTED

**Hon. A. Raynell Andreychuk**, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Human Rights has the honour to present its

#### FOURTEENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK  
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 576.)

**The Hon. the Acting Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[ Senator Andreychuk ]

#### BUDGET—REPORT OF COMMITTEE ON STUDY OF CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE PRESENTED

**Hon. A. Raynell Andreychuk**, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Human Rights has the honour to present its

#### FIFTEENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to invite from time to time the President of Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK  
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 582)

**The Hon. the Acting Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

#### BUDGET—REPORT OF COMMITTEE ON STUDY OF LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP PRESENTED

**Hon. A. Raynell Andreychuk**, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Human Rights has the honour to present its

#### SIXTEENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to invite the Minister of Indian and Northern Affairs to appear with his officials

before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled: *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix D, p. 588.)

**The Hon. the Acting Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS  
AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey**, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 10, 2005

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2005-2006.

Rules, Procedures and the Rights of Parliament

Professional and Other Services	\$ 14,400
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
<b>Total</b>	<b>\$ 14,400</b>

Respectfully submitted,

GEORGE J. FUREY  
*Chair*

**The Hon. the Acting Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

[Translation]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETINGS OF PARLIAMENTARY ASSEMBLY  
OF COUNCIL OF EUROPE, JANUARY 20-21,  
AND JANUARY 24-28, 2005—REPORTS TABLED

**Hon. Mac Harb:** Honourable senators, pursuant to rule 26(3), I have the honour to table, in both official languages, the report of the Canadian delegation to the Canada-Europe Parliamentary Association, concerning its participation in the meeting of the Committee on Economic Affairs and Development at the European Bank for Reconstruction and Development (EBRD), held in London, in the United Kingdom, January 20 and 21, 2005, as well as the report on its participation in the first part of the 2005 ordinary session of the Parliamentary Assembly of the Council of Europe in Strasbourg, France, from January 24 to 28, 2005.

[English]

BANKING, TRADE AND COMMERCE

STUDY ON CHARITABLE GIVING—NOTICE OF  
MOTION TO AUTHORIZE COMMITTEE TO EXTEND  
DATE OF FINAL REPORT AND TO RETAIN POWER  
TO PUBLICIZE ITS FINDINGS UNTIL JANUARY 31, 2006

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Thursday, November 18, 2004, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to examine and report on issues dealing with charitable giving in Canada, be empowered to extend the date of presenting its final report from March 31, 2005 to November 30, 2005, and

That the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

VISITORS IN THE GALLERY

**The Hon. the Acting Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Guiseppe Martini and his wife, Donatella. Dr. Martini is the Attaché, Scientific Affairs, at the Embassy of Italy here in Ottawa. They are guests of the Honourable Senator Ferretti Barth.

On behalf of all senators, I welcome you to the Senate of Canada.



## QUESTION PERIOD

### INTERNATIONAL TRADE

#### UNITED STATES—SUGGESTION BY PARLIAMENTARY SECRETARY FOR CANADA-U.S. RELATIONS TO EMBARRASS GOVERNMENT ON TRADE NEGOTIATIONS

**Hon. Consiglio Di Nino:** Honourable senators, on Tuesday, the Prime Minister's Parliamentary Secretary for Canada-U.S. Relations suggested to the Subcommittee on International Trade, Trade Disputes and Investment in the other place that the government embarrass the Americans in front of other countries with whom they are attempting to negotiate trade agreements. She further suggested that the government take out ads in newspapers in South Korea and in the former Soviet Union saying that Canada is having problems getting the U.S. to respect NAFTA. Could the Leader of the Government please advise the Senate whether this person — whom I do not think I can name — was speaking for herself or speaking on behalf of the government?

**Hon. Jack Austin (Leader of the Government):** For herself and for herself alone.

**Senator Di Nino:** Thank God for that.

Does the government consider such comments to be constructive? Does the government believe that we will be better able to manage our trade relationships with the U.S. and resolve issues such as BSE and lumber if we, in the words of the Prime Minister's Parliamentary Secretary for Canada-U.S. Relations, embarrass the hell out of them?

**Senator Austin:** Honourable senators, I have said in this chamber many times that it is the policy of the government to settle trade disputes with the United States, or any other country, through constructive negotiation. There is no benefit to be gained from throwing heat instead of light onto these very difficult trade issues.

It is quite understandable that individuals in Canada can be affected to the point of emotion by the consequences of trade disputes that exist between Canada and any other country. However, at the level of the Government of Canada, I have said repeatedly that our trade relationship with the United States is, on the whole, working extremely well. I mentioned the number of more than 300 formal agreements and more than 3,000 other agreements. In the main, our relationship is at an extraordinary level of concordance.

Senator Di Nino knows that we are exchanging \$2 billion Canadian of trade with the United States every day. I am speaking as a senator from British Columbia when I say that, and acknowledging the fact that the softwood lumber issue has created tremendous dislocation and economic damage in the province of British Columbia. With the support of the province, the British Columbia industry and certainly British Columbians on this side in Parliament, the government continues to pursue the two tracks of litigation and negotiation under NAFTA and the WTO.

**Senator Di Nino:** Honourable senators, I have to agree with Senator Austin. We are familiar, as is he, with the statistics, particularly since our Foreign Affairs Committee, of which I am

deputy chair, conducted an extensive study on this subject matter. However, my concern is that we must not allow comments such as these without some action on the part of the Prime Minister or the government. This is no ordinary member; this is the Prime Minister's Parliamentary Secretary for Canada-U.S. Relations, and these statements should not be acceptable nor tolerated. I hope the leader agrees with me.

**Senator Austin:** Honourable senators, I thought that I had answered Senator Di Nino's first question quite clearly. That member of Parliament was not expressing the policy of the government.

I do want to say that we are pursuing with the United States, in the normal way, exchanges on a whole host of subjects. Senator Di Nino is quite aware of the meeting that will take place on March 23 between our Prime Minister, the President of the United States and the President of Mexico. There will be bilateral discussions, which are not out of the ordinary; there is nothing ad hoc about them. They are part of the normal exchange between Canada and the United States, within the NAFTA context.

**Senator Di Nino:** Senator Austin is absolutely right. He covers the issue well, but he still has not answered the question.

The comments to which I have referred offend many of us. They offend senators on both sides of the house, and I would imagine members on both sides of the other place as well. I would like assurance from the leader that this particular person will be spoken to, and perhaps even stronger action taken, because these comments do not help the Canada-U.S. relationship, particularly at a time when our relationship has so many hills to climb.

Frankly, minister, we need to put our foot down and let people know that if they want to speak as private citizens, they can do it in some other place. They may not like it, but they must accept it. If they are speaking as members of the inner group, such as the Parliamentary Secretary on Canada-U.S. Relations, we should chastise them in some way.

**Senator Austin:** Honourable senators, I said clearly that the honourable member in the other place was not speaking for the government. It is clear, however, that each member of Parliament and each senator has a responsibility to speak to the concerns that they believe are important in public policy. We may disagree on them, and often do. In fact, we disagree for all sorts of reasons with our colleagues in Parliament. However, stifling opinions expressed by individual members of either chamber is probably not the policy of either the government or the official opposition.

• (1400)

**Senator Di Nino:** That is not what I said.

[Translation]

### THE CABINET

#### POLICY FOR PARLIAMENTARY SECRETARIES WHEN SPEAKING FOR GOVERNMENT

**Hon. Gerald J. Comeau:** Honourable senators, I listened very closely to that exchange.

Traditionally, and even more so today, a parliamentary secretary is one step down from a Cabinet minister. Now they are even called "Honourable." The Prime Minister insists that parliamentary secretaries vote on Cabinet measures. However, I have just heard the Government Leader in the Senate say that parliamentary secretaries are free to express their personal opinions on such delicate subjects as our relations with the United States and that they have every right to do so.

[English]

This is quite a departure from the tradition of parliamentary secretaries. In the past, this parliamentary secretary would have been fired and sent into a corner to think about what it means to be the parliamentary secretary to the Prime Minister, the person who speaks for him in his absence.

This is indicative of the discussions being held behind closed doors. Is this the new policy? Will parliamentary secretaries henceforth say exactly what is on their minds?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, in no way could Senator Comeau interpret anything I have said in this Question Period to mean that the member who was referred to by Senator Di Nino was speaking on behalf of the government or on behalf of the Prime Minister. Those suppositions are without foundation.

I want to be very clear in what I said. The member expressed herself with respect to her concerns. They do not represent the position of the Government of Canada. There has been no change in the policy of the Government of Canada, which is to pursue an improving relationship with the United States in all bilateral areas. Any idea that it would be of any benefit to Canada to conduct a relationship with any country, such as was described by the member, is without reality as far as government policy is concerned.

## BUDGET 2005

### TAX DISINCENTIVE WITH REGARD TO CARBON DIOXIDE ABATEMENT

**Hon. Donald H. Oliver:** Honourable senators, my question is directed to the Leader of the Government in the Senate. An annex to the recent federal budget discussed the possibility of using "tax disincentives" to help Canada achieve its CO<sub>2</sub> abatement goals.

How does a tax disincentive with respect to CO<sub>2</sub> emissions not qualify as a carbon tax? By avoiding the term "carbon tax" is the government playing games with words?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I do not agree with the argumentative allegation of Senator Oliver.

**Senator Oliver:** Could the honourable leader please answer my question?

**Senator Austin:** I did not hear a question. I heard an argument, and I do not agree with it.

**Senator Oliver:** I will ask my question again.

An annex to the recent federal budget discussed the possibility of using tax disincentives to help Canada achieve its CO<sub>2</sub> abatement goals. Should the tax disincentive with respect to CO<sub>2</sub> not be called a carbon tax?

**Senator Austin:** Honourable senators, I do not think it should be called a carbon tax. I do not think it is clear yet what the government's plan will be with respect to the abatement of pollution. There are a number of devices within the tax system, by regulation and through other means, for pollution abatement. The government is considering those, but making a connection between tax disincentives and a carbon tax is not possible at this stage.

**Senator Oliver:** Honourable senators, the \$1-billion Clean Fund announced in the recent budget opens a door to having Canadian tax dollars go to other countries for CO<sub>2</sub> abatement efforts on projects in those other countries. I am aware that this is allowable under the mechanisms of the Kyoto Protocol, but is it not more desirable that any spending of tax dollars on CO<sub>2</sub> abatement be directed here in Canada? As a matter of practical policy, should 100 per cent of our spending on CO<sub>2</sub> abatement not stay here in Canada?

**Senator Austin:** Honourable senators, it is desirable that Canada meet its Kyoto obligations totally within Canadian means. Whether that is entirely possible remains to be seen.

## PRIVY COUNCIL OFFICE

### REJECTION OF APPOINTMENT OF MR. GLEN MURRAY AS CHAIRMAN OF THE NATIONAL ROUND TABLE ON THE ENVIRONMENT AND ECONOMY

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, my question is addressed to the Leader of the Government in the Senate, and is with respect to the questions yesterday on the matter of the rejection of the appointment of former mayor Glen Murray to the National Round Table on the Environment and Economy.

Yesterday, the Leader of the Government in the Senate gave a succinct answer, and I appreciate that. He did mention, however, the political makeup on the committee that made the decision against Mr. Murray's appointment. The committee makeup is a reflection of the will of the Canadian people, as expressed in last June's federal election. Canadians chose a minority Parliament and perhaps this government has been unwilling to accept that.

Can the Leader of the Government in the Senate tell us whether the Prime Minister will follow the will of this parliamentary committee or will a penchant for Liberal cronyism prevail?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the allegation of Liberal cronyism does not have a realistic basis. Former mayor Glen Murray was an outstanding mayor and leader in Winnipeg municipal affairs. He was one of the most successful mayors in recent Winnipeg history.



With respect to the first part of Senator Stratton's question, I pointed to a fact regarding the composition of the committee. I recognize the political makeup of the other place. I have no further answer to give to Senator Stratton with respect to what the government may do. The matter is under consideration. I am advised that the party to which he belongs may bring a motion asking for a debate in the House of Commons itself.

**Senator Stratton:** Honourable senators, it is very interesting that the Leader of the Government should say that Mr. Murray was an outstanding mayor. Is he aware that, while Mr. Murray was the mayor, the city was charged under the Fisheries Act for dumping large quantities of raw sewage into the Red River? That case is still pending. In the meantime, the Manitoba Clean Environment Commission has ordered the city to clean up its act. They have ordered that there be no more dumping and that the city remove any nutrients from any discharge that they put into the river.

That occurred under the watch of Mr. Murray, and now he has been proposed as an advocate of the environment, and a man of outstanding calibre in the city.

• (1410)

With respect to the infrastructure program, Premier Doer of Manitoba insisted that that money was required for the clean-up of the city's sewage problem. He wanted to include the dumping and removal of the nutrients in the infrastructure in the agreement between the city and the province. The cost of that project was \$1 billion. The former mayor, Mr. Murray, did not want to do that. He wanted to put that money into the rapid transit system. The only way they would ever reach an agreement was if Mr. Murray agreed to put that money into infrastructure and improvements with respect to sewage.

The credibility of Mr. Murray's appointment is really to be questioned. His record, while it may sound great throughout the media, stains anything that he has put forward.

**Senator Austin:** I appreciate the brief preliminary remarks before the non-question put by Senator Stratton.

Honourable senators, we could carry on with this subject, but I do accept that Senator Stratton is an opponent of the appointment of former Mayor Glen Murray. We can take that as a settled position on his part.

With respect to the record of Mr. Murray, many more issues would have to be examined: The position of his city council, his long experience before he became mayor, the funding available for environmental policies, or whether the citizens of Winnipeg were prepared to pass bylaws making those funds for environmental action available to the city. There are many questions here, but they are not relevant. Senator Stratton has his position and I have mine.

## CANADA-UNITED STATES RELATIONS

### MISSILE DEFENCE PROGRAM— DOCUMENTATION ON PROPOSAL

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, Canadians continue to be left in the dark by this government as to the public policy rationale for not joining with

our friends to the south in the anti-missile defence program. Yesterday, in response to my question, the minister quite properly indicated that cabinet documents are not available for us to canvass to see whether we, as parliamentarians, could determine the rationale for the decision. I had asked if there were other public documents and I was advised to search the web, which I have done.

Three interested Canadians from two different provinces have been asking me about this subject. I suggested to them that they also search the web. Around noon today, I spoke with two of the academics. They said that they were not successful, as I had not been successful, in searching the web for the answer to my question.

I will try again. This is an important matter of public policy. A decision has been taken by the government. What some of us in this chamber would hope to discover is, first, what exactly was the proposal that the Americans made to Canada and, second, what were the grounds upon which the government decided not to buy into, or sign on to, that proposal. I am not sure of the proper terminology, because I have no documents to examine in this regard.

In the interest of shedding some light on a very important matter of public policy, perhaps the minister could assist. We did not have the debate that many of us thought we should. Would the minister be able to produce a statement, at least, that would provide us with some substantive material that would shed some light on this decision of the government? The government has every right to make its decisions, but parliamentarians have every right to know the policy principles upon which that decision is based.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will be pleased to take the honourable senator's question as notice, and I will endeavour to reply to it through a delayed answer.

## PRIVY COUNCIL OFFICE

### REJECTION OF APPOINTMENT OF MR. GLEN MURRAY AS CHAIRMAN OF THE NATIONAL ROUND TABLE ON THE ENVIRONMENT AND ECONOMY

**Hon. Sharon Carstairs:** Honourable senators, it was not my intention to ask a question of the Leader of the Government in the Senate today. Otherwise, I would have thus informed him. However, in that the former Mayor of Winnipeg has been attacked, it is appropriate that someone should put some other facts on the record.

Would the Leader of the Government in the Senate not agree that rapid transit, which can make a considerable difference to air pollution, is a valid concept; that support for recycling programs is a good environmental procedure; that the encouragement of the use of ethanol in our gasoline is the encouragement of better environmental practices? All of these were encouraged by the former Mayor of Winnipeg, Glen Murray.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank Senator Carstairs for those points that simply underline the reasons why I believe that Mr. Glen Murray would make an excellent appointee.

# ORDERS OF THE DAY

## DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

### THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth, for the third reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

**Hon. Anne C. Cools:** Stand.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Question!

**Senator Cools:** Honourable senators, I am not ready to speak today. It has been only two days that I have been holding the adjournment on this motion. The bill has not been in this chamber for very long. I just said “stand,” and I heard the Deputy Leader of the Government in the Senate call for the question. If honourable senators wish to vote me down and deny me the opportunity to speak in a fully informed and well-prepared way, I suppose I will have to accept that fate.

I would like the opportunity to complete the speech on which I am working. Honourable senators know that when I work on a speech, I give it considerable attention and work. I ask honourable senators to allow me the opportunity to speak when we return from our break next week.

**The Hon. the Acting Speaker:** Senator Rompkey?

**Senator Rompkey:** Honourable senators —

**Senator Cools:** He is not “honourable senators,” he is an honourable senator. I made a request to the Senate as a whole.

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, normally when an honourable senator rises to ask for leave to speak, we give consent so that the senator may have an opportunity to express an opinion. That is what I was doing in recognizing Senator Rompkey, as I had done when I recognized Senator Cools.

[English]

**Senator Rompkey:** We are prepared to hear from the Honourable Senator Cools, Your Honour and honourable senators, but we want to continue the debate today. We feel that this bill has been before us for some time. It was before us in the last session, and has been before us in this session. In fact, it has been on our Order Paper for some weeks now. Everyone knows what the arguments are, pro and con.

**The Hon. the Acting Speaker:** If I understand correctly, Senator Cools, you were more or less making a motion so that the debate would be adjourned to the next sitting. If that is the case, it is not debatable; I would have to put the motion right away.

**Senator Cools:** I did not make a motion, and I did not make a motion to adjourn. I was countering Senator Rompkey's statement that I should not speak — his action, rather than his statement — because he knows very well that I wish to speak to this matter. He knows that it is a matter of some depth and some substance, and yet he called for the question.

• (1420)

In other words, he made it clear that he did not wish to hear from me because he called for the question. That is a strong indicator of what he wants to do.

In addition to that, I received word a few seconds ago that if I would attempt to move the motion for adjournment, the government will vote me down. My information may be wrong and incomplete. However, that is the information I received.

Senator Rompkey is not accurate when he says that Bill C-6 has been in the Senate for a long time. I took the adjournment on this bill just two days ago. This bill has not been around a very long time. I am working on my speech and, as I said before, this is not right. This place is about debate. This bill is not a “must” bill. As a matter of fact, it is not even on the “must-have” list that the government has presented to the opposition. I would like an opportunity to speak when we come back. Had I known Senator Rompkey was going to do this today, I might have hurried up a bit, but I did not know, and it is not nice.

Senator Austin, it is very easy to do things properly. We do not have to be so shabby.

**The Hon. the Acting Speaker:** Honourable senators, an order of the day was called, a senator asked that the matter stand. It is generally understood that such a request is acceptable if there is agreement for that to happen. If not, then either we proceed with the question or we consider a motion to adjourn the debate to the next sitting. If this is to be the case, then the motion to adjourn the debate is put forthwith without debate. It is not for honourable senators to debate whether we should have a motion or not, nor to discuss the question.

That is why I am asking. There was not unanimous consent to stand. Therefore, should we proceed with the question, or should I be in a position to hear a motion to adjourn the debate?

I am in your hands, honourable senators.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I take it from what His Honour has said that we are in the status quo ante, that the item has been called, and I would like to participate in the debate at third reading on Bill C-6 to move the yardsticks, as they say in football, a little bit on this bill.



I begin from the standpoint which, hopefully on the government side, they could find a friendly position. I always believe it is a prime ministerial prerogative to organize the machinery of government the way the Prime Minister of the day wants to organize the machinery of government. It has been the practice for a long time in Canada that the Prime Minister, after having been sworn in with his or her government, lays out a particular set of ministries and agencies, et cetera, and that is always followed up by the confirming legislation. This is why this ministry, which is the subject matter of Bill C-6, has been operating with a minister since the present government was sworn into office.

However, as happens, sometimes frequently, pieces of legislation do arrive in this house from the other place, having received only a little scrutiny and, in this particular instance, there are two pieces of machinery legislation. One piece did receive close scrutiny in the House of Commons, and a decision was taken in the other place not to implement the machinery legislation. I am referring to the department of Foreign Affairs and International Trade. In this instance, Bill C-6 arrived here, received debate at second reading and went to committee. In committee it was the subject of a few meetings and some witnesses. Some would argue that it should have been the subject matter of a larger number of witnesses. The committee is master of its proceedings and the bill has been reported to us without amendment.

Some of us, and I raise this knowing that all honourable senators are familiar with the question, because it, in part, was subject to a point of order raised, and a ruling rendered, by His Honour, Speaker Hays. The concern that many Canadians have is whether or not it was wise, and indeed necessary, to abolish the office of Solicitor General of Canada.

Many were of the view that this machinery that the Prime Minister wanted, and has set in place through other provisions of legislation, does not have an identifiable role under the name, the rubric, Solicitor General, although I suppose we could find many functions of the old ministry of the Solicitor General identifiable under the organization that is reflected by Bill C-6.

This office, the Solicitor General of Canada, is important in the minds of many Canadians who are familiar with it and understand what it means, and it, like the Attorney General, in many ways is a special ministry within the ministry.

Consequently, I think that whether or not the office of the Solicitor General ought to be maintained deserves serious reflection.

The proposition, it seems to me, that is eminently reasonable, without affecting what the government, and the Prime Minister, in particular, wanted to achieve by this particular model of organization, which again I say this is right, is leaving in, as well, the office of Solicitor General. Why would that be harmful? I cannot see it being harmful to the objective that the government is seeking to obtain in this particular model of machinery. Consequently, I think that it is the kind of amendment that this

chamber might wisely focus on at third reading. I would hope that if there is an element of reasonableness to this proposition, one honourable senator might come forward with an amendment along those lines.

There is no objection in principle, because the Senate has taken a decision on the principle of the bill at second reading.

At third reading this question is before us: What harm would be done by simply adding to the description of this new department under this new rubric, the office of Solicitor General? Perhaps the government, knowing that is what is in the minds of honourable senators here at third reading, might make a friendly gesture and accept such an amendment. It is not inimical at all to the substance of Bill C-6. It is simply saying, in addendum, include the office of Solicitor General.

• (1430)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I very much appreciate Senator Kinsella's presentation. He makes the best, I believe, of the wish to continue the office of Solicitor General and title. However, the government has come to the conclusion that a title that has been in use, I think, since 1966, only in Canada, does not continue to be a necessary title in the office of the Minister of Public Safety and Emergency Preparedness.

The argument has been put in the chamber over and over again. It is a single argument. On our part, while it might be in one sense harmless, the government has taken a decision with respect to the title of the ministry. I would ask that the opposition respect that the government has taken this decision and that the opposition, having made its arguments fully, accept that the government in this chamber should be allowed to proceed with the bill in its present form.

**Senator Cools:** Honourable senators, I can be ready to speak at the next sitting of the Senate, which as I have been informed is on Monday, March 21. I would like the opportunity to respond to the situation before us and to lay out to the chamber the content of the testimony given by the minister in respect of the actual change to the office of Solicitor General, and also to clarify some of the errors that Senator Austin just made.

The Solicitor General's office in Canada predates Confederation. It did not begin in 1966. I would like an opportunity to give a speech that the subject matter deserves.

**Senator Austin:** Have you finished?

**Senator Cools:** No, I am not finished. Initially, I asked that this item stand. However, Senator Kinsella spoke and because of his intervening speech, I must now move adjournment of the debate.

If my honourable friend is not speaking to the bill, then I ask honourable senators to allow me to speak when we return.

**The Hon. the Acting Speaker:** I understand that Senator Cools is moving that further debate be adjourned to the next sitting of the Senate. If no other senator wishes to participate in debate at this time, then I will put the motion.

It was moved by the Honourable Senator Cools, seconded by the Honourable Senator Di Nino, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Acting Speaker:** All those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Acting Speaker:** All those opposed to this motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Acting Speaker:** In my opinion, the "nays" have it.

**Senator Austin:** Question!

**The Hon. the Acting Speaker:** The motion to adjourn has not been adopted, therefore, we continue with debate. If no senator wishes to debate, then I will put the question. Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**Hon. Gerald J. Comeau:** I am rising to debate. I find it absolutely amazing that an honourable senator in this house would ask to be allowed one day to be able to prepare a speech.

**Senator Rompkey:** Two days.

**Senator Austin:** She undertook to speak two days ago.

**Senator Comeau:** That is a good point of debate. Perhaps the honourable senator will respond to some of the questions I will be asking.

If the case is made that Senator Cools has taken too much time, that being allowed two days is way too long, that the machinery of government has to operate so fast that she cannot be allowed two to three days to prepare a speech, so be it.

Honourable senators, I rise today because this bill concerns an extremely important subject. Our leader expounded on it some time ago, and I think the matter deserves more debate. Two to three days is not an undue amount of time. Therefore, why not say that this bill is so important that we should wait a couple of extra days?

**Senator Rompkey:** Honourable senators, this bill has been before us for quite some time. Senator Cools has participated in debate. She participated in committee. The committee studied the bill exhaustively, heard from witnesses, and reported it without amendment. Bill C-6 is before us now.

Honourable senators, this bill pertains to a serious matter of security, the security of Canada, and I think it deserves to be expedited. We are not holding up debate. Senator Cools can

speak today. However, Senator Cools cannot convince me that she does not know the topic or does not know what she wants to say and needs some more time. We were told that she was to speak two days ago. We heard that she would then speak today. Now it will be another week. We do not come back until the week afterward. I have no problem hearing what people want to say, but I do not agree with delay tactics. I think to simply delay an important bill is not acceptable. I am quite prepared to hear debate, but I want to hear it today. Given Senator Cools' experience in this matter, I think that she can speak to it today. She argued very well the other day about the topic that she wants to debate. She has researched it in-depth and understands the subject matter extremely well. Therefore, I am not convinced that she needs another day, given the fact that we have already had delays and that we will be off for a while. We do not need to delay this bill any further. I am prepared to hear debate, but I want to hear it today.

**Senator Cools:** Perhaps I could convince Senator Rompkey that I am not as good as he thinks I am. A lot can be said off the cuff, but when it comes to serious matters, as to the questions and the content of Bill C-6, that sort of subject matter is not best handled off the cuff.

Honourable senators know very well that it is my custom and habit when I give a speech to punctuate and to use authority and quotations extensively. The truth of the matter is that I did not commit to the Honourable Senator Rompkey that I would be speaking today. As a matter of fact, the commitment I made was that I would speak to Bill S-21, the repeal of section 43 of the Criminal Code.

Honourable senators, it is not my style to delay. There has been no delay. The bill was only reported within the last fortnight. I hope we have not reached a stage in life in the Senate where we think two weeks is an extravagant amount of time to spend on a monumental, significant and extremely complex bill such as Bill C-6.

Maybe I am better than I think I am, but I do not think I am as good as Senator Rompkey suggests. I want him to know that the history of this subject matter is indeed complex, because even the government leader made several mistakes in his intervention. The Solicitor General is an ancient office. It predates Confederation and has existed in Canada almost from the beginning of time, but it did not begin in 1966 at all.

I do not have my file on Bill C-6 with me. I take this place seriously. I like to take the utterances that come out of my mouth seriously. It is not my style to produce canned speeches that someone else has written. The work I do takes time. I take pride in the fact that I take this job seriously. I like to do it properly.

**Senator Kinsella:** Honourable senators, I have a suggestion that might find some favour. Senator Cools is asking that she be allowed to speak at third reading on the Monday evening when we reconvene. The majority could make us proceed today, but of course that vote could be deferred by the opposition whip to that very same day. We do not want to do that, and we would not use



that deferring vote on the Monday we come back. I would say that we would be just as far ahead if we gave Senator Cools the opportunity to speak on the Monday we return to this chamber, and on behalf of the opposition, I would commit that we would not defer the vote after Senator Cools has had the opportunity to make her speech.

• (1440)

**Some Hon. Senators:** Hear, hear!

**Senator Austin:** I think that deals with the matter in a very appropriate way. Thank you so much.

On motion of Senator Carstairs, debate adjourned.

## THE SENATE

### SELECT COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government),** pursuant to notice of March 9, 2005, moved:

That the Standing Senate Committees on Human Rights, National Security and Defence and Official Languages be empowered, in accordance with rule 95(3), to sit on Monday, March 21, 2005, even though the Senate may then be adjourned for a period exceeding one week.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** While we are in agreement with sitting on Monday, March 21, did the honourable senator mention a time?

**Senator Rompkey:** The Honourable Senator Stratton makes an extremely good point. If we are to meet, we have to set a time, and we would propose that the time be 7 p.m.

**Hon. Eymard G. Corbin:** I would like to clear something up. I am speaking as chair of the Official Languages Committee, which has requested permission to sit that day.

Does this mean that if the house sits at 7 p.m., the committee will have to put a stop to its hearings at 7 p.m., or will it be allowed to continue if more time is needed? A minister is appearing before us, and I cannot guarantee that our exchange will be concluded at 7 p.m.

**Senator Stratton:** I understand with ministers that there are exceptions, and a minister appearing before a committee is that exception that we allow. My only question would be, how long does the honourable senator anticipate that that would take?

I reiterate, our problem on this side is simply members. There are five committees meeting on that day and we are, as you are aware, thin in the ranks. I would only ask, for the sake of the chamber and our ability to perform here, how long does the honourable senator anticipate that would take?

**Senator Corbin:** The honourable senator is right about his members. They are very good at attending our committee, I must grant that, but the minister for that time slot is the Honourable

Mauril Bélanger. We had anticipated that the house would perhaps sit at 8 p.m. on that day. We had indicated to the minister that we could go as late as 7:30 p.m., because he also has to organize his time. I do not think the meeting will go beyond 7:30 p.m.

**Hon. Consiglio Di Nino:** I missed something. Have we had a motion that the house return at 7 p.m.?

**Senator Rompkey:** No, I asked for leave to revert.

**Senator Di Nino:** This is only a discussion of what may be presented by the honourable senator, which may or may not pass at this point.

**The Hon. the Acting Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-21, to amend the Criminal Code (protection of children).—(*Honourable Senator Cools*)

**Hon. Anne C. Cools:** Honourable senators, I rise to join the debate on Bill S-21, which is an act to amend the Criminal Code on the protection of children. This bill is a short, one-clause bill. It purports to repeal section 43 of the Criminal Code. Perhaps I can begin by putting, yet again, section 43 on the record.

As honourable senators know, the Criminal Code is laid out in parts, and this section is in part of Part I — General, under the heading “Protection of Persons in Authority, Correction of Child by Force.” It states as follows:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

Perhaps I should begin by saying that section 43 of the Criminal Code could do with some change. There is no doubt about that, and I have no problem with making some change to it, but I do have a problem with the wholesale repeal of this section, leaving ordinary parents exposed to criminal prosecution.

We should note at all times that section 43, on its own, does not advocate violence; neither does it advocate assault against children, physical punishment or aggression toward children. If one listened to the debates that are going on across this country and the United States of America, one would believe that the law is an advocate of assaults and violence against children, which it is not.

• (1450)

I should like to record my strenuous opposition to this bill, because a wholesale repeal will have the effect of leaving millions of parents in this country exposed to criminal prosecutions.

I have listened to the debate, and there has not been a lot of debate, interestingly enough, in the House. The amount of debate has been quite short. The debate, for some strange reason, does not differentiate between what I would call harsh violence, a physical assault against children, and what the literature is beginning to describe as physically non-injurious spanking, which is delivered in the absence of rage and anger by a parent. When I read the debate, I got the impression that the real objection is to harsh, mean-spirited cruelty to children.

Perhaps I should remind honourable senators that these are fields with which I had great experience when I worked in social services, particularly those aspects where I came into close contact with child welfare. I participated in, and assisted with, many apprehensions of children, where often the initiative to protect those children was taken by myself, being convinced that those children were at risk of perishing.

I remember one example where a mother, to punish a child, would hold the little two-year-old under the water till it was literally suffocating. It is a terrible thing to watch how those children suffer. Another instance sticks in my memory and comes to my mind often because it was just such a horrific experience. I was helping the Children's Aid worker get the child out of the mother's hands. I tell you, honourable senators, that woman literally tried to bite my fingers off as her neck literally would bend a foot as she tried to bite my fingers off as I was trying to wrestle that child from her bosom. That child I remember with considerable sadness and clarity because I was convinced the child would have perished without intervention. It is not a pleasant experience seeing parents do these terrible things to their children.

Despite the billions of dollars spent annually in child protection and child welfare, many children get hurt, and far too many are still being killed. If honourable senators will recall, there was debate in this chamber some years ago on the B.C. Gove Inquiry into the death of a little child called Matthew. I think at that time the record shows very clearly that it is a difficult matter to protect a child from the meanness and cruelty of its parents. It is a troublesome area.

Having said that, honourable senators, the debate on this bill has focused on what I would call the mean-spirited, harsh-assault cruelty to children, terrible maltreatment, and it has not focused at all on the parent who may slap a child or something of that nature, nor on the fact that the repeal of section 43 will expose all those parents, millions of them, to the risk of criminal prosecution. Apparently many people are struggling with this phenomenon.

Some time ago, I was reading a report from a participant in the American Academy of Paediatrics consensus conference, where

they were struggling to come up with definitions of corporal punishment, spanking and so on. At that time, spanking was defined as "physically non-injurious, intended to modify behaviour, and administered with the open hand to the buttocks or the extremities."

My concern in this debate, honourable senators, is that I do not feel that we can expose so many millions of people to the possibility of criminal prosecution with no evidence that the repeal of this section will even reduce child abuse. All those millions of parents out there need some protection from mischievous prosecution.

Honourable senators, the Criminal Code is a mighty code. A criminal prosecution is a mighty instrument. It seems to me that we should understand that the purpose of the Criminal Code is not to re-educate the population or even to reform the population. The purpose of the Criminal Code is the regulation of the circumstances and the conditions under which the mighty coercive weight of Her Majesty's prosecution will be directed against a citizen.

Honourable senators, that is why I am adopting the position that I have taken. When these debates take place, there is a tendency for people to cast each other into very negative positions. If one takes a position against the repeal, then all of a sudden that person might become an advocate of violence against children or the use of physical force. I am not an advocate of corporal punishment, and I can tell you I deplore much of what I have seen around the business of child maltreatment. This is something I still carry from my years of social work.

I would like to put on the record some of the American academics who are working on this subject matter. First, there is Dr. Murray Straus of the University of New Hampshire, and Dr. Murray Straus is a gentleman I know. He was the godfather, you could say, of the scholarship on family violence. He wrote a book called, *Beating the Devil Out of Them: Corporal Punishment in American Families and Its Effects on Children*. I hope that the committee will call Dr. Murray Straus. He is a lovely man. I know him from his work on spousal violence. I have attended many of his conferences.

There is another witness I hope the committee will call. He is Dr. Robert Larzelere of the University of Nebraska Medical Centre. He has reviewed some 38 studies and found that, in children under the age of seven, non-abusive spanking produced no harmful effects and reduced misbehaviour when used as a backup for mild discipline techniques like reasoning and timeouts.

He is very strong on the point that discipline of children must be administered in an absence of rage and anger. I see this daily. I have seen it right here in the Senate. I have seen a female senator, in a rage, reach out and hit a child. Maybe as this debate goes on, we can begin to understand and examine those forces that are at work in these matters. I am hoping the committee can call Dr. Larzelere. He began his career as a student of Dr. Murray Straus.



Another witness that I hope we will call is Dr. Diana Baumrind. She is from the University of California. She is a scholar, who asserts that social scientists have overstepped the evidence in claiming that spanking causes lasting harm to the child. She says that the scientific case against the use of normative physical punishment is a leaky dike, not a solid edifice. She and her colleague, Dr. Elizabeth Owens, found that few harmful effects linked with non-abusive spanking, as distinguished from severe physical punishment, have really been identified. As a matter of fact, I would like to quote her directly. Dr. Baumrind says that when parents are loving and firm and communicate well with the child, the children are exceptionally competent and well adjusted, whether or not their parents spanked them as preschoolers. Dr. Baumrind argues that without compelling evidence that spanking is harmful, parents should be free to rear their children in accordance with their own values and traditions.

My time is just about up. I would like to continue by saying that from the research I have been able to gather on section 43, and even the rewording of it from where it was in 1892, and as it is articulated in the code, the section intends to protect persons in authority who find themselves having to correct children.

• (1500)

Honourable senators, I once had to stop a 14-year-old from killing another one, and it was not nice. We abated the situation. We calmed the situation. However, these are the circumstances under which one must apprehend them and stop the children from fighting. These are the circumstances for persons in authority that section 43 contemplates. The only reason I was able to calm that situation — and I will be quite frank — was that I had working with me a very large 18-year-old boy who assisted me in breaking up a very terrible situation.

Honourable senators, in summary, I believe this is a well-intentioned initiative but I do not think it will do what it purports to do, which is to reduce child maltreatment and child abuse. As the bill is written, it will expose countless millions of ordinary parents to the risk of prosecution, and I sincerely believe that we should not give the system any more opportunities to invade people's lives. I have seen the record on false allegations, and so on and so forth: It is profound.

#### MOTION IN AMENDMENT

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, if there are no further speakers, I would move:

That the bill be not now read the second time but that the subject-matter thereof be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

That the Order to resume debate on the motion for the second reading of the bill remain on the *Order Paper and Notice Paper*.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, on several occasions in this session, we have moved to accept the contents of the bill without approval in principle. While we agreed to do this in the beginning, and agreed

to look at each bill on an individual basis, we felt that by doing this we could get something done in committees with respect to the contents of these bills. However, nothing has happened in committees with respect to any of the bills that have been referred without approval at second reading.

Therefore we, on this side, no longer agree that this is the way to proceed, simply because once the bills get to committee, they tend to linger there. They do not move; they do not proceed. Therefore, we do not see the point of this. The bills will either languish on the Order Paper, as they have in the past — and we all understand that — or we have second reading and we send the bill to committee and have it dealt with therein.

In this case, at least on our side, we support the bill in principle at second reading. Therefore, why would we not have it dealt with at second reading?

**Hon. Anne C. Cools:** The issue is an important one. Let the bill go to committee and let it be studied there. I just assumed that that would happen when I said that the committee should call these witnesses. I have many more names that I can suggest. This is subject-matter that I have worked on for many years. Perhaps we can let the bill go.

**Senator Rompkey:** Honourable senators, I did what I did in consultation with the sponsor of the bill, but I certainly defer to Senator Hervieux-Payette. It is her bill. Really, it is a private member's bill that is in her hands. I moved my motion after consultation with the honourable senator, but I would be happy to defer to her.

**The Hon. the Acting Speaker:** Just to make sure what subject we are on right now, there is a motion in amendment before us by the Honourable Senator Rompkey to refer the subject-matter of this bill to committee. I want to make sure that this is the item we are discussing right now.

[Translation]

**Hon. Céline Hervieux-Payette:** Honourable senators, perhaps I can clarify the matter. I personally thought that we were going to examine the bill. It is simply a lack of knowledge of procedure on my part. I believed that we would refer the bill, which obviously will deal with the subject. I agree with the Honourable Senator Stratton that the bill itself should be examined because it is a very short bill that contains one or two clauses. I would be more comfortable with that approach.

[English]

**Hon. Noël A. Kinsella (Leader of the Opposition):** I wish to join in the debate on the motion before us to argue against it. The principle is so clear in this bill that we should be dealing with it at second reading, and it is inappropriate to send the subject-matter to be debated at committee. In some cases the principle is not as clear, and there are other kinds of complications associated with the bill. However, this one is straightforward. The honourable senator who spoke on it made a clear articulation of what we are

dealing with. I have no difficulty at all in understanding the principle of this bill, and indeed supporting that principle. Any committee that receives the bill for study would be able to do a first-class job on it. I do not think we should go the route of sending the subject-matter for study prior to second reading.

**Senator Rompkey:** Honourable senators, it seems to me that the will of the chamber is clear. I will withdraw my motion and allow the question to be put to honourable senators.

[Translation]

#### REFERRED TO COMMITTEE

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Hervieux-Payette, bill referred to the Senate Standing Committee on Legal and Constitutional Affairs.

#### BUSINESS OF THE SENATE

**Hon. Céline Hervieux-Payette:** Honourable senators, I ask for leave to revert to senators' statements. I have consulted the whips on this matter. I was not in the chamber because I was meeting the minister responsible for Bill S-21. As a result, I came in late. In addition, today is the 10th anniversary of my appointment to the Senate. If you will allow me, honourable senators, I would like to speak on the subject of Colorectal Cancer Week.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to give leave to revert to senators' statements?

**Senator Kinsella:** Following Orders of the Day.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to give leave to revert to senators' statements following Orders of the Day?

**Hon. Senators:** Agreed.

• (1510)

[English]

#### CRIMINAL CODE

##### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Milne, for the second reading of Bill S-24, to amend the Criminal Code (cruelty to animals).—(*Honourable Senator Carstairs, P.C.*)

**Hon. Sharon Carstairs:** Honourable senators, I rise today to speak, not to what is in Bill S-24 but, rather, to what is not in the bill. The bill before the Senate essentially increases penalties for those who commit deliberate acts of cruelty to animals. While this is noble in its own right, it does not go far enough. For five years

now, Parliament has been examining a far more comprehensive solution to animal cruelty. I am extremely reluctant to make do with this modest proposal. The Minister of Justice indicated that the government is committed to bringing back a comprehensive piece of legislation, and I believe our time in this chamber and in committee would be better spent debating, analyzing and voting on that more comprehensive package.

Honourable senators, let me take you through some of the things that this bill does not do. Bill S-24 does not deal with two new offences proposed in the other bill, namely the training of an animal to fight other animals, or the offence of brutally or viciously killing an animal. In this country, it is intolerable to train dogs, cats or other animals to kill one another, and it should be against the law. It is unacceptable to Canadians that a brutal or vicious killing of an animal should not be against the law. One has only to look at puppy mills to find an example of some of this brutality. The narrowness of Bill S-24 does not provide for these new offences. Procedurally, it could be argued that amendments could not be made because they would be outside the scope of the bill.

There have been no comprehensive changes to the cruelty to animals provisions since 1892. If one reads the current provisions in the Criminal Code, one can see that it certainly perpetuates the notion that animal cruelty is trivial in nature. I am not referring to the bill presently before the Senate. All honourable senators would agree that cruelty to animals is not trivial. Rather, it is a serious matter that should be recognized as such by the laws of this country. Thus, it is legitimate to ask why this bill, in its narrow form, is currently before this house. Clearly, many senators feel uncomfortable that this chamber is being blamed for the failure, in the past, to pass a comprehensive bill.

It is true that a number of amendments proposed and passed by this chamber were unacceptable to the other place. My opposition to these amendments at the time was, in part, because of my then role as Leader of the Government in the Senate. I was never convinced of the value of these amendments, and would have voted against them whether or not I had been the government leader in the Senate. However, my views were not those of the majority of this place. I therefore welcome the willingness of the Minister of Justice to discuss those amendments with senators in the hope that a meeting of minds can take place. This bill pre-empts these positive discussions and will result in inferior legislation.

Could the government introduce another bill to cover the other concerns ignored in Bill S-24? Perhaps it could, but it might be subject to some procedural wrangling. In addition, I am of the view that when the government is in the minority, everyone would be perfectly happy to consider and accept a modest proposal instead of doing the right thing. It would be much better to deal with a comprehensive bill. Therefore, I will not support this bill at second reading, and I urge the government to introduce a comprehensive bill as soon as possible.

**The Hon. the Acting Speaker:** Is the Honourable Senator Bryden rising on debate or with a question?

**Hon. John G. Bryden:** I rise to conclude the debate and ask that the question be put.



**The Hon. the Acting Speaker:** Honourable senators, if Senator Bryden speaks now, his speech will have the effect of closing the debate on the motion for second reading of Bill S-24.

**Senator Bryden:** Honourable senators, I thank Senator Carstairs for her interesting points, which I look forward to discussing further in committee. However, I did not want to let this debate come to a close without addressing some of the points raised against Bill S-24 by the Department of Justice in a document entitled, *Background Notes for Private Senators' Public Bills*, which, I understand, was distributed to all honourable senators.

Under the heading "Minister's Position," the document states that the Minister of Justice does not support the bill. This document was distributed before the Minister of Justice had received Bill S-24 and before my speech in support of it. I am assuming that the intent of the statement is that the Department of Justice does not support the bill, which does not surprise me.

I will address briefly a general attitude evidenced in this document, as well as some of the specific matters raised by the department. The first paragraph of the department's assessment of the bill explains why Bill S-24 cannot be supported. It states:

The government has developed its own legislation on animal cruelty, first introduced in 1999. The legislation has consistently been re-introduced in Parliament but has never been passed in the same form by both chambers. The minister has stated that the government is committed to bringing back its legislation.

Honourable senators, this is an excellent illustration of the reason we are still debating this issue after almost six years. Parliament continues to speak, but the department is not listening. That is not how our system of parliamentary democracy is supposed to work. As to why the bill should not be supported, the departmental document states: "It achieves only one of the two objectives of the government legislation."

The document also states:

The government has been clear that reform of the animal cruelty provisions has always been aimed at two main bundles of objectives: One, increasing the maximum penalties for existing offences of animal cruelty; and, two, simplifying, modernizing and filling gaps in the offence structure of the animal cruelty regime.

Bill S-24 increases penalties consistent with the government's legislation. However, Bill S-24 does not include a range of amendments that are included in the government legislation that are designed to make the law more simple and coherent and fill gaps in the law by creating two new offences and modernizing existing offences.

Honourable senators, this is the first time during the six years that this piece of legislation has been before Parliament that anyone from the Department of Justice has admitted that one of the main purposes of their bills was to increase and expand the number and scope of offences for animal cruelty.

Compare this latest statement of the department's position that I have just read with the explanation of Ms. Joanne Klineberg, Counsel, Criminal Law Policy Section, Justice Canada, in testimony before the Standing Senate Committee on Legal and Constitutional Affairs on December 4, 2002. On page 2, she stated:

The main thrust was increasing penalties, but as well there are certain elements of the existing regime that are complicated and not as clear as they could be. The other guiding principle was to clarify these things so that everyone could have a better understanding of what the law actually required.

No hint of increased or expanded offences here.

We were repeatedly assured that the legislation was not intended to substantively change the law. On May 3, 2001, the then Minister of Justice Anne McLellan said in the other place:

Simply put, what is lawful today in the course of legitimate activities would be lawful when the bill receives royal assent.

No hint of increased or expanded offences here.

On November 20, 2002, the Honourable Martin Cauchon told the Standing Senate Committee on Legal and Constitutional Affairs:

Practices that are now legal will not become illegal when Bill C-10 passes into law.

No hint of increased or expanded offences here.

• (1520)

Rick Mosley, then Assistant Deputy Minister, Criminal Law, Policy and Community Justice Branch in the Department of Justice Canada, now a judge of the Federal Court, also told us the same thing with no hint of increased or expanded offences.

Everyone was clear that in the words of John Mahoney, the then Parliamentary Secretary of the Minister of Justice, "The main thrust of the amendment is penalty enhancement." Yes, the other stated purpose was to "modernize and simplify the law," but this was presented more in the nature of minor housekeeping. The main objective was to respond to the demand of Canadians that penalties for these animal cruelty offences reflect the terrible nature of the crimes.

However, there was significant concern among witnesses before the Standing Senate Committee on Legal and Constitutional Affairs — and I share that concern based on my own analysis — that these housekeeping amendments went further than modernizing language and simplifying the law. Arguably, they would be substantively changing the law. It was not housekeeping; it was major home renovation. For example, there was much concern, as detailed in my speech of February 8, 2005, that people who hunt and fish lawfully, under today's law,

with valid provincial hunting or fishing licences could find themselves accused of a criminal offence under the provisions of the government's bill.

In this context, I was intrigued to read in the department's reply to Bill S-24. As I noted earlier, the government accepts that Bill S-24 achieves the government's objectives of increasing the maximum penalties for existing offences for cruelty to animals. Its only objection to the bill is that it does not achieve the second objective, which it states to be, "simplifying, modernizing and filling the gaps in the offence structure of the animal cruelty regime."

The department elaborates on this as follows:

In terms of gap-filling, Bill S-24 does expand current sections that are limited in out-dated ways. The offences in relation to "cockpits" and to release of "captive birds" are not expanded to cover all animals, as is the case under the Government's legislation.

Bill S-24 also fails to fill two larger gaps that the Government's legislation does, namely the proposed new offences, "training an animal to fight other animals" and "brutally or viciously killing an animal." Both of these offences address behaviour that is not clearly caught by any other offence, and which are clearly morally blameworthy and should be subject to prohibition and punishment.

Honourable senators, I am reluctant to say this about the Department of Justice Canada, but in this case, I fear they are being disingenuous. For example, the Criminal Code already says that everyone commits an offence who, wilfully and without lawful excuse, "kills, maims, wounds, poisons or injures dogs, birds or animals that are not cattle and are kept for a lawful purpose." That is just one provision that would seem to cover someone who brutally and viciously kills an animal, at least one kept for a lawful purpose.

I listened closely to the many hours of testimony before the Standing Senate Committee on Legal and Constitutional Affairs, honourable senators. I do not recall hearing anyone say there have been brutal or vicious killings of animals that were not covered by the provisions of the current Criminal Code.

The issue I did hear raised a number of times is that the existing penalties for such heinous acts are woefully inadequate. I do not recall anyone saying that the terrible acts we have read about fall outside the scope of the code as it is presently drafted.

However, I also heard extensive testimony about the currently lawful activities many fear could be caught by the proposed government bill. The Department of Justice Canada document does not mention that the government's bill would have, for the first time, made it a crime to wilfully kill a wild animal without lawful excuse. Justice officials were quite clear that a permit or licence issued by a province is not in itself a lawful excuse. No one from the department suggested what would constitute a lawful

excuse in these circumstances. Thus, someone who hunts for sport with a valid hunting licence could be at risk of being accused of criminal activity under this section. In other words, it is not quite accurate to say that what is lawful today would have continued to be lawful under the government's bill.

The government's bill would also have made it a criminal offence to wilfully or recklessly cause unnecessary pain, suffering or injury to an animal. Once again, "animal" is defined to include all wild fish and animals. Highly respected witnesses testified that fly fishing and other forms of fishing where you "catch and release" the fish — a practice of encouraging stewardship and environmental preservation — would be at risk of being considered a criminal activity under these provisions. Again, this would be the case even if the person holds a valid fishing licence.

These are some examples why I believe we should not attempt to make substantive changes in the criminal law under the heading of "simplifying and modernizing" the language of these Criminal Code provisions. Rather, the issue should be clearly identified, publicly and transparently debated, so that stakeholders, including Aboriginals, sport hunters, fishermen and other citizens, can understand what is really happening with such proposed changes in the criminal law.

The department's reply also refers to the fact that the government's bill would have moved the provisions on animal cruelty to a new Part V.1 of the Criminal Code to be headed "Cruelty to Animals." Bill S-24 would leave the provisions where they now are, in the "Crimes Against Property" part of the code.

As I detailed in my speech here on February 8, the committee heard extensive testimony from highly respected experts on statutory drafting and interpretation that moving provisions from one part of the code to another could have significant legal implications. Gerald Chipeur, a lawyer specializing in constitutional law and is well known to many of us, told us that by moving the provisions to a new part, Parliament could be considered to be intending to create some special status for animals that derogates from their former status as property.

The department in their reply did not address any of the testimony. They simply asserted once again that, "This change in categorization does not affect the legal status of animals as property." They defend the proposed move to a new part by saying that the current placement among property crimes "perpetuates the notion that animal cruelty is relatively trivial."

With respect, honourable senators, I do not believe that anyone looks to the placement of the offence within the Criminal Code to decide whether it is trivial or not. One looks to things like the punishment meted out for the crime. I agree — the penalties now provided for these offences under the Criminal Code do send a message that the crimes are not taken seriously. My bill would change that. I challenge anyone to say that a crime is trivial when one can be imprisoned for up to five years for its commission.

Finally, honourable senators, I take offence at the so-called strategic reasons the department presumes to give us why Bill S-24 should not be supported. They said:



From a strategic perspective, Bill S-24 should not be supported because it would frustrate the considerable effort that has been extended over the past five years toward building a momentous degree of consensus on the Government legislation. Today, there is widespread support on both the side of animal welfare and animal-use industries. The government legislation reflects a well-balanced and appropriate package of amendments.

• (1530)

**The Hon. the Acting Speaker:** I must advise that the honourable senator's speaking time has expired.

**Senator Bryden:** I would ask for leave to continue.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** A maximum of five minutes.

**Senator Bryden:** Thank you, honourable senators.

More importantly, there is no significant opposition to the government legislation amongst the public or stakeholders since a variety of amendments were made that responded to concerns of animal industry groups. Animal industry groups have expressed their support for the Government legislation in writing.

In other words, they have put a lot of work into this bill, so we should be quiet and not frustrate their efforts. However, honourable senators, it is our job and our duty to Canadians to analyze what the bill actually says and consider how it could be interpreted. I cannot help but wonder if there would be the momentous degree of consensus and the widespread support if these stakeholders understood that the words "simplifying" and "modernizing" really meant "fill gaps in the law by creating new offences and modernizing existing offences."

I listened to the witnesses who came before the Standing Senate Committee on Legal and Constitutional Affairs. I did not hear momentous support. To the contrary, I heard a number of thoughtful, carefully analyzed and supported objections to the proposed provisions. I would not be doing my job if I simply ignored these submissions. In my considered opinion, a number of these witnesses raised valid issues and concerns.

The final line of the department's reply is perhaps the most intriguing and disturbing. Here, in criticizing why they cannot accept my bill, the department says it would not make sense for the government to support Bill S-24 because "a broader set of reforms to the law of animal cruelty are required."

Honourable senators, that is what I have suspected. Under the guise of bills that they tell us simply are designed to increase the penalties for these offences and make minor housekeeping adjustments to modernize and simplify the provisions, in fact the department is broadly reforming the law on cruelty to animals.

I am not opposed to broad reforms of the law on cruelty to animals, but I am vehemently opposed to any such reforms being slipped past Parliament or the Canadian public without the kind of public debate and consideration any such broad criminal law reform deserves.

These provisions were first introduced in 2000 as part of Bill C-17, an omnibus package that proposed amendments in a number of areas of the Criminal Code: better protection for peace officers acting in the line of duty; provisions relating to firearms' systems; creation of procedural safeguards for persons with disabilities who are victims of sexual exploitation. One does not introduce a broad set of reforms to the law of a particular area such as animal cruelty as part of an omnibus package of Criminal Code amendments.

They were then reintroduced in 2001 as part of Bill C-15, another omnibus bill that dealt with the protection of children from criminals using the Internet to prey on their vulnerability, as well as making administrative and procedural amendments to the justice system and administrative amendments to the Firearms Act.

In 2002, the provisions were introduced again, this time as part of Bill C-10, in which they were joined again with amendments to the Firearms Act. We were told that we had to proceed to pass the bill quickly because of a looming deadline with respect to the Firearms Act. In the end, we split the bill in two, enabling us to pass the firearms provision while having time to study animal cruelty provisions.

At no time, honourable senators, did the government come to us with a bill and say, "This is our proposed broad reform of the law on animal cruelty." Instead, we were told the amendments were simply to modernize and simplify, and more importantly, to update the penalties. This is wrong. It is insulting to us as parliamentarians and it is insulting to Canadians.

Honourable senators, I prepared Bill S-24 to meet what the department had told us was "the main thrust of their bills"; namely, to increase the penalties for crimes of cruelty to animals to bring them into line with the seriousness of those crimes. I very deliberately did not reflect the other proposed amendments, as my analysis suggested they would go much further than the department led us to believe. If there is a consensus that the law on cruelty to animals needs reforming, then let us have that debate, but let us do so honestly, openly and in a transparent manner, engaging the Canadian public and parliamentarians as these important issues require.

In the meantime, even the department agrees that Bill S-24 accomplishes their stated chief objective, to increase the penalties for existing offences. Let us use it to quickly redress that weakness in the code and give the courts the tools to adequately sentence persons convicted of criminal offences against animals.

**Hon. A. Raynell Andreychuk:** I was not here when Senator Bryden spoke the first time. I should like now to ask him one question.

**The Hon. the Acting Speaker:** The time has expired.

**Senator Andreychuk:** Can I ask for a few more minutes?

**Senator Bryden:** I would entertain a question.

**The Hon. the Acting Speaker:** Consent was asked and consent was given for five minutes to allow Senator Bryden to complete his remarks. I am in the hands of honourable senators.

**Senator Stratton:** Since it is our side requesting permission to ask questions, I would have to agree to extend the period.

**The Hon. the Acting Speaker:** Honourable senators, is it agreed that time be allotted for one question and one answer?

**Hon. Senators:** Agreed.

**Senator Andreychuk:** There was much discussion about ensuring that we did not infringe on the rights of Aboriginal people. That was one of the main difficulties with the proposed changes that the government put forward, among the other issues raised by my honourable friend. Is he satisfied that his bill complies with the rights of Aboriginals, as there was some discussion that the Criminal Code as it is presently stated had not fully factored in Aboriginal rights? I would want to be assured that Bill S-24 has been looked at from that perspective.

**Senator Bryden:** The provisions of the Criminal Code as they exist, the offences that are there, are not changed at all. What has changed is the penalty that is applied. I am arguing for that to get done and then to have a full-blown debate on amending the Criminal Code as it relates to animals. That would surely give the opportunity for Justice Canada officials to consult fully — which under the Constitution they are supposed to have done before they introduced the other bill — with Aboriginals to make sure there is no derogation from their traditional animal rights.

**Hon. Anne C. Cools:** I would like to ask a question. I begin by thanking Senator Bryden for his extremely well thought-out presentation and excellent summary of the previous testimony and conclusions.

My question is twofold. The first part has to do with the document from which he was reading. He said that the Department of Justice recommended this Bill S-24 not be supported. Could he table that document today so it would form part of the record?

**Senator Bryden:** I do not mind doing that but everyone has it. It was circulated to every senator's office by email.

**Senator Cools:** The honourable senator referred to it in his speech, so it should form part of the record.

**Senator Bryden:** Should I make it available or not? Some of it is public now.

• (1540)

**Senator Austin:** It sure is.

**Senator Bryden:** I guess I cannot do that except to the extent that I have addressed some part of it and I have quoted those parts of it, because it is an internal document, but I imagine you can pick it up on the Web.

**Senator Cools:** The record should say it was an internal Liberal caucus document, but who knows, now it is public.

My other question has to do with whether or not this bill addresses your concerns as well as those that were raised by the folks in the animal husbandry business about the slaughter of animals for food and so on, and the questions that were raised by the Islamic peoples and the Hebrew people, in respect of kosher and halal slaughter of animals, as to whether their religious personnel could be prosecuted. I wonder if your bill answers those problems as well.

**Senator Bryden:** Honourable senators, in respect for the fact that I was only supposed to do this for five minutes, I will only answer this one question, and I will not do any more.

The answer to the honourable senator's question is that dealing with the religious treatment of sacrifices and that sort of thing that exists and has been interpreted under our existing regime is not touched. It seems to be perfectly satisfactory to everyone. The problem was that, with the new bill, there was a concern that it would change, but that has not changed. The only thing my bill does is increase the penalties for the existing offences.

**Senator Cools:** Thank you.

**The Hon. the Acting Speaker:** Honourable senators, I will now put the question.

**Some Hon. Senators:** Question!

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. The Acting Speaker:** Adopted on division.

Motion agreed to, on division, and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Bryden, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

## CANADA ELECTIONS ACT

### BILL TO AMEND— SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Mercer, for the second reading of Bill S-22, to amend the Canada Elections Act (mandatory voting).—(*Honourable Senator Stratton*)



**Hon. Terry M. Mercer:** Honourable senators, it is a pleasure and honour for me to rise at second reading in support of Bill S-22, an act to amend the Canada Elections Act, mandatory voting.

I would like to congratulate my honourable colleague, Senator Harb, for introducing this important piece of legislation. Growing up in the north end of Halifax in a politically active family, voting was the first step in leading me to where I am today. I will always remember my first vote as I am sure many of you will. Placing the ballot in the ballot box on Election Day is something we all cherish, but often we do not recognize its immense importance.

**An Hon. Senator:** Did you vote Liberal?

**Senator Mercer:** I certainly did, always. Often in Nova Scotia we vote early and we vote often. Senator Baker taught me that.

Elections and voting are at the heart of our democracy. The active participation of all Canadians is a responsibility we must encourage. Voter turnout has been on the decline in Canada since the 1960s, reaching a record low of 60.9 per cent in the last federal election.

We, unfortunately, are not alone. As my colleague pointed out, only 55.3 per cent of Americans voted in the last presidential election, and 57.6 per cent of Britons voted in the 2001 election. The question we must ask ourselves, and all Canadians, is why?

I believe there are a number of reasons for declining voter participation. Contempt for politicians and apathy about policy issues is at the forefront. Too often, our system of democracy is deemed untrustworthy by the electorate. We must, as politically active citizens, accept some of the blame. We have not done, and do not do, enough to engage voters. Too often we rely on elections alone to engage voters in policy discussion.

Communication is a vital avenue for encouraging citizen engagement. We, as senators, should be communicating more with constituents as we have the resources, time and most important, the obligation to exercise our responsibility and duty to this honoured chamber.

Honourable senators, programs like Encounters with Canada offer us the opportunity to engage youth in the political process. As a side benefit, it may also encourage them to vote.

These are the ways in which we can point out the importance of voting. The youth wings of our respective political parties are also important. When I speak to students of Encounters with Canada, or Young Liberal Clubs I always encourage our youth to respect the system, vote for the system, and get involved in politics and their political parties. Obviously, I recommend that they get involved in the Liberal Party of Canada, but I do stress the right to choose and to get involved in the other parties in Canada.

**Senator Stratton:** That is awfully nice of you.

**Senator Mercer:** We also need to make sure that political parties have access to universities and high schools not only to recruit young people into political parties, but to educate them on the importance of the process. There are still campuses across this

country that keep political parties from organizing on the campuses. Those opposed to mandatory voting say it will impose upon the individual's right to vote or not to vote. I do not agree. The right not to vote is an excuse. It allows us to avoid the tough decisions we need to have, including the one on mandatory voting.

Canadians fought passionately over the right to vote, overcoming many obstacles including gender, race and religion. Are we respecting these historic struggles by not voting and not actively engaging citizens to vote?

I do not believe that we are respecting those people if we do not do this. Most important is that we are starting this debate. For too long we have used the term, democratic deficit, a phrase both broad and vague. We talk of proportional representation, on-line voting and other ways to improve the institution of democracy. In doing so, we are ignoring the obvious and most important problem, voter apathy. I believe, honourable senators, that this bill addresses that concern.

While some of you may not agree with the bill, in whole or in part, the debate should encourage you to study the bill with hopefully an open mind. We must encourage this debate. We must not stifle it.

We are not alone in consideration of mandatory voting. Some 30 democracies around the world claim to have mandatory voting although a smaller number, 16 democracies, use it with the enforcement this bill proposes. Some of those nations include Australia, Belgium, Greece and Switzerland. Mandatory voting was introduced in Australia in 1924 in a private member's bill similar to this one that was in response to declining voter turnout of 57.9 per cent in 1922.

Now, Australia has consistently boasted a turnout of over 90 per cent. Mandatory voting in Belgium dates back to 1893, and today boasts over 90 per cent turnout.

Are we ignoring the Australian example that has been shown to work? Indeed, with such high voter turnout, do we choose to ignore their engagement in the political process because we do not agree with the idea of mandatory voting? Some argue that it does not make sense to compel uninformed people to vote. Such exposure to the voting system through mandatory voting may help citizens to become more informed.

• (1550)

Australians do not feel coerced to vote. Polls show that 70 to 80 per cent of Australians support the mandatory system. Most important, there is little debate in Australia about whether compulsory voting infringes on rights. Voting is seen as a civic duty, as it should be.

In this case, the end — high voter turnout — has justified the means: mandatory voting. We cannot deny, honourable senators, that we must respect and protect our rights, but we also cannot deny that we have the responsibility to uphold the principles of democracy in order to ensure the protection of these same rights. Engaging more citizens in a democratic process could pave the way for better debate about the future direction of government and, indeed, Canada. To quote our colleague Senator Harb:

We cannot talk about democratic deficit, which is nothing more than shirking our responsibilities, without inclusiveness of the notion that we as citizens have a responsibility to fully participate in society when it comes to electing our officials.

Honourable senators, as one of the Young Liberal posters on the wall in my office says, decisions are made by those who show up. As such, we must give this bill a chance. We must raise the level of debate in this country in order to ensure our democracy evolves as it naturally should.

In March, the Liberal and Conservative Parties will engage in major political conventions. A large percentage of the delegates at last weekend's Liberal Party biannual convention were youth. In fact, our Constitution mandates increased youth participation and guarantees them at least one third of the representation at this convention. As parliamentarians, we have a duty to explore all options that will strengthen our democracy for the future of the youth — the future of Canada.

In conclusion, honourable senators, I remind you that the Senate is unique in that our committees can extensively study issues before them. Let us bring Bill S-22 to committee to examine what has happened elsewhere, and to explore what others have learned from experimenting with mandatory voting. We may discover that it is the road we should take.

**Hon. Anne C. Cools:** Will Senator Mercer accept a question?

I listened to Senator Mercer with some interest. He talked about the need to engage the citizens of Canada. I think he used the words "voter apathy." How can a government that is consistently pitting itself against the citizens of Canada, for example, in the issues of firearms, marriage and divorce, and pitting the public treasury against the population, propose to engage citizens?

**Senator Mercer:** Honourable senators, that goes to one of the fundamental differences between Senator Cools and me. I look at the glass as half full and I think that Senator Cools looks at the glass as half empty. I think that the government's purpose is not to be against the people but to work with them and to provide them with the proper framework for governing the country.

Rather than looking at this government, the previous Mulroney government, the previous Trudeau government, the previous Pearson government or the previous Diefenbaker government, let us look at it as government in general. There is a decline in voter participation, no matter who holds the majority in the other place. When we get down to 60.9 per cent of people participating in the process, as was the case in the last election, we are on the slippery slope to having less than 50 per cent of people participating. Myself and Senator Harb, we are asking that we examine the process to see whether there is a way to push participation back up to the high 70s and low 80s that we consistently had in this country before this decline started.

This is not a phenomenon unique to Canada. It is happening in other Western democracies, and I mentioned the United States and Britain. We should not focus on the Martin government or

the Chrétien government but, rather, on the system, because it is the system that is broken. We need to help fix this. We have a unique opportunity in this chamber to examine this matter in committee and report on it, and we may report the bill back with amendments.

It is vital that we do not decide not to send the bill to committee because we do not like the principle. It is vital that we do this study because no one else is having this discussion at this level in this country, and I think it is very important.

**Senator Cools:** I heard Senator Mercer say that the system is broken. Perhaps the honourable senator can tell me how this bill will fix the system. This bill addresses ordinary citizens in an attempt to compel them to vote. It does not address the system. I fail to see how this bill will engage citizens in the process. The process is much larger than forcing a person to vote. How will this bill fix the system as the honourable senator has claimed?

**Senator Mercer:** Honourable senators, that is a valid question. By making voting mandatory, as they have in Australia, 90 per cent of the population participates in the process. Most people take the process seriously when they participate in it. They will avail themselves of the information that political parties provide. They will vote based on their conscience and on what they feel is important, and that is what will drive the process.

If more than 90 per cent of Canadians vote and they choose a government of a political party that I do not particularly like, so be it; they have spoken. That would mean that the political party of which I am a member has not been successful in convincing Canadians that it should govern, that maybe we are off base and need to rethink our strategy.

That is a great gauge of what this chamber and the other place do. Given the choice to listen to 60.9 per cent or to more than 90 per cent of the Canadian population, I would prefer to listen to the 90 per cent-plus for direction on what they want the government to do.

**Hon. Consiglio Di Nino:** I do not quarrel with the honourable senator's argument about apathy. I think we should all be concerned about that, and we have all probably expressed our concern about it, if not in this chamber then at other gatherings.

My concern is that I do not like mandatory voting. I do not think that, in a democracy, we should force people to do things that they do not want to do. We are talking about this because we have failed in doing other things that I believe would help to reverse the trend of declining participation in the electoral process.

I would not want to vote for this bill in principle at second reading because I do not like the principle of mandatory voting. Notwithstanding the debate we had here earlier today, perhaps you would agree to sending the subject-matter to a committee for study, as opposed to giving the bill second reading, which would force me to vote against it because I do not like the mandatory nature of it. However, I would support and participate with you in looking at how we could reverse the trend of falling participation in elections.



• (1600)

**Senator Mercer:** I would agree with the honourable senator that the system is broken. That is the issue here. That is what Senator Harb and I wish to address. We want to ensure that we have an opportunity to discuss and perhaps change the situation.

I am the second newest appointee to the Senate — the newest senator is my colleague to my right — and thus I am not sure of the process. Senator Di Nino will have to speak to Senator Harb more directly because he is the sponsor of the bill.

My objective is to have this debate raised to a higher level. No one in the country is talking about this subject in this format. No one is considering mandatory voting. There have been changes to electoral acts across the country. British Columbia is experimenting with certain things. There are musings in the province of Ontario of fixed dates. I am not sure any of that goes to the point of voter participation; it goes to the management of the system.

When 60.9 per cent of the eligible voters turn out to exercise the right to vote, that is a pretty low figure in a nation that is proud to consider that it has had a healthy democracy for the past 130-odd years.

**Hon. Sharon Carstairs:** Honourable senators, I have been listening attentively to the discussion this afternoon. First, Senator Stratton indicated that he did not want to send any more bills to committee on the basis of their not having been approved at second reading. He argued that the bills have not been dealt with.

The reality is that, unfortunately, private member's bills go to the bottom of the list of priorities of all committees. The lower placement on the list is not due to the fact that the bills have been sent to committee before they received second reading, but rather the nature of the private business.

This is an example of the best type of bill to go to committee before second reading. Like Senator Di Nino, I have some concerns about forcing someone to do anything. However, when I taught grades 11 and 12, I forced all of my students to work in election campaigns in lieu of writing a paper. They could write the paper, but they all chose to work in the campaign of their choice. The result was that they would say to me, "We will always get out there and cast a vote in an election campaign."

My concern rests with young people between the ages of 18 and 25 who consistently fail to cast their vote. If they voted in the same proportion as seniors voted, for example, we would not see a figure of 60.9 per cent of the population voting; we would see more like 75 or 82 per cent of Canadians voting in an election.

People between the ages of 18 and 25 do not vote because they are not engaged. Why are they not engaged? We consistently teach social studies in this country. At the same time, in every province, to my knowledge, a person trained in political science at the undergraduate degree level is not eligible to obtain a teaching degree because they have not taken a major in a teachable subject. Therefore, one can become a social studies teacher if one has a

degree in history or geography, but one cannot become a social studies teacher if one has a degree in political science. This means that our young people in high school are not engaged in a discussion of government in the way that I think they should be engaged.

I know that social studies is a compulsory curriculum program in grade 5 because my daughter has been teaching at that level over the last few years. She now teaches at a higher level but in a school with grade 5. She consistently offers that her mother will come and talk about the Senate. The expression of the teacher is, "We do not have a Senate in Canada." I do go and I do speak. The reality is that those teachers are teaching with little knowledge of our political system in this country.

In this case, perhaps Senator Stratton would agree to send this bill to committee for study before we move second reading, because I think, as Senator Mercer has indicated, we need a broad discussion of why it is that Canadians are not casting their votes.

Like Senator Di Nino, I am not sure that mandatory voting is the answer. I am somewhat sure that better education is an answer. I am positive that better engagement of the Canadian public is an answer, but I am not sure exactly how to do that.

**Senator Mercer:** Senator Carstairs makes a good point. The fact that we have engaged in debate in this chamber this afternoon goes to the point of the bill that we need to raise the level of debate.

Senator Carstairs has spoken about her actions as a high school teacher in Winnipeg. In school systems across this country, the responsibility of citizens to participate in the political process is not taught or is not taught well and is considered to be secondary to the teaching of history of ancient times. That is a very important point.

We need to have this discussion to raise the level of debate and to start considering all options. Mandatory voting is included in those options. This bill is framed around mandatory voting. One cannot write a bill to include all of the options, but this is a great place to begin.

**Hon. A. Raynell Andreychuk:** Senator Harb was clear in what he wanted to include in his bill. Senator Mercer has expanded the debate to democratic processes and the need to involve citizens, which I support.

I do not believe the way to proceed is to have a bill expanded to study the subject matter. As senators, we have at our disposal a mechanism to put resolutions or motions on the floor to study bills or to create special studies. Once we are given a bill, it is difficult to broaden the scope of the bill. I am not in favour of having the debate expand around whether or not we should have compulsory voting.

I would prefer to have the debate that the honourable senator is talking about — a special study conducted by one of our committees.

On motion of Senator Austin, debate adjourned.

## BOY SCOUTS OF CANADA

### PRIVATE BILL TO AMEND ACT OF INCORPORATION—SECOND READING— DEBATE ADJOURNED

**Hon. Consiglio Di Nino** moved the second reading of Bill S-27, respecting Scouts Canada.

He said: Honourable senators, I rise to reintroduce a bill regarding Scouts Canada. The previous one died on the Order Paper during the last Parliament.

• (1610)

I am sure everyone in this chamber knows about the enormous contribution that scouting has made to Canadian society for nearly 100 years, particularly to the lives of innumerable young men and women. Yes, I said women. For the last seven years, scouts has officially been a co-ed organization. It has welcomed young girls and young women to its fold and, in my opinion — and I believe that is shared universally — this change has brought enrichment and benefit to the scouting family.

To reflect this change in the corporate objects of Boy Scouts of Canada, and to formally recognize the name by which scouts is, at present, commonly known, it is proposed that the name of the corporation be amended in English to Scouts Canada and, in French, to Scout Canada. Coincidentally, they are spelled the same in both official languages.

[Translation]

Honourable senators, the scouting family in Quebec is served by the Boy Scouts of Canada as well as the Association des scouts du Canada, which were founded to train boys and young men in the scouting traditions established by Lord Baden-Powell, in accordance with the principles of the Roman Catholic Church.

The Boy Scouts of Canada and the Association des scouts du Canada exchange views on a regular basis through meetings of the cooperation committee. This committee, which has a mandate to ensure coordination at the national level of the three scout camps, was established as the result of an agreement between the two organizations that was signed in 1967 in the presence of the Governor General, His Excellency the Right Honourable Georges Vanier, who was then Canada's Chief Scout.

The Association des scouts du Canada has adopted a resolution stating that it does not object to a change of the official name which from now on will be Scouts Canada.

[English]

The scouting movement was founded in Great Britain in 1907 by Lord Baden-Powell. The Canadian movement was incorporated on June 12, 1914 under the name of the Canadian General Council of Boy Scouts Association by a special act of the Parliament of Canada.

Thereafter, from 1917 through 1969, four further special acts were enacted to amend the initial special act. One such special act changed the name to Boy Scouts of Canada. Officially changing

the name of the organization to Scouts Canada and making the other consequential and technical changes outlined in this bill will allow it to better manage its affairs, consolidate, update and replace statutes governing it.

Today, scouting experiences, honourable senators, are inclusive of boys and girls, and indeed of young men and young women. Bill S-27 provides an accurate reflection of the present status and mandate of the organization that has served, and continues to serve, Canadian youth so well. I would urge all honourable senators to support the speedy passage of this bill.

On behalf of Senator Jaffer, who seconded my bill the last time, I would like to adjourn the debate in her name.

**Hon. Eymard G. Corbin:** I have a question for my honourable colleague. I should have paid closer attention, but the boy scouts were originally incorporated when?

**Senator Di Nino:** In 1907. That is when they were created in England, and 1914 in Canada by special act of Parliament. It was changed, then, four times between 1914 and 1969, also through the Parliament, to the best of my knowledge.

**Senator Corbin:** They have always come to Parliament to modify their statute?

**Senator Di Nino:** That is correct.

**Senator Corbin:** Senator Di Nino, you will recall that not only have I spoken in this place but we have exchanged thoughts as well, both of us, on this matter of coming to Parliament for incorporation. I do not have much of an objection when the entity was originally incorporated through an act of Parliament, but I certainly question the route taken by people who seek a first incorporation when they come to Parliament. We have had examples of that in the last decade or so: We had Opus Dei, which sought original incorporation through a bill in Parliament; we had the Dai al-Mutlaq, both of which, by the way, did not obtain Parliament's assent for incorporation. In fact, it was suggested that they follow the normal route through the general administrative process.

I do not intend to make much of a fuss today because of the original act of incorporation, but I think this is a good opportunity, once again, to remind the Government of Canada that it should complete its revision of the Corporations Act and proceed with measures that would enable entities such as this one to follow the general route so that they do not have to come to Parliament.

There is also a certain prestige attached to these requests when they are done by Parliament, but I think that, in a democracy like ours, there should be one route and only one route for all to follow, and that should be the general administrative route.

That is the only comment I wish to make.

**Senator Di Nino:** Thank you for that, and I would like to adjourn the debate in the name of Senator Jaffer.

On motion of Senator Di Nino, for Senator Jaffer, debate adjourned.



## NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY  
OF NATIONAL SECURITY POLICY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Moore, for the adoption of the seventh report of the Standing Senate Committee on National Security and Defence (*budget—study on the necessity for a National Security policy*), presented in the Senate on February 24, 2005.—(Honourable Senator Murray, P.C.)

**Hon. Lowell Murray:** I understand the chairman of the committee wishes to speak, and I would defer to him at this time for that purpose.

**Hon. Colin Kenny:** Thank you, honourable senators. I had not expected to be here today, but I am. It is an honour that happens most days, Senator Joyal.

I have had an opportunity to review Hansard and, if I may, honourable senators, I will try and deal with some of the issues that appeared in the Hansard of March 9, where there is a reference by the Honourable Senator Stratton regarding his understanding of a statement that I might make in this chamber.

The genesis of that reference was some concern that Senator Tkachuk had raised about an article that was published on my behalf in a number of newspapers. Normally, my comments tend to be directed to government when I am writing editorials, but in this case it was directed at the Leader of the Opposition. I have here a copy of the email that was sent to the *Ottawa Citizen* when the article was published, and I went out of my way to ensure that I did not associate my remarks with the committee, or suggest that it was the committee's views I was expressing in the article that was sent to the *Ottawa Citizen*.

• (1620)

The tag line on that article reads: "Senator Colin Kenny has been supporting missile defence for the past three years. He can be reached by email at kennyco@sen.parl.gc.ca." It did not say that I was chair of the committee, nor did it suggest in the course of the article that I was. I advised the members of the committee that that was the case when the article was going forward, and I also explained that to Senator Tkachuk. All I can say is that I was expressing my views, which I believe I have the right to do.

Next are the issues that arose yesterday. The Honourable Senator Joyal commented upon the seventh report of our committee and suggested that we had asked for \$914,000. This leaves me slightly bewildered, because the seventh report that I submitted was a request to the Internal Economy Committee for \$817,000, and after going through the process of the subcommittee and then the full committee hearing, the Internal Economy Committee finally authorized \$657,000. Honourable senators, that is the amount that is before the chamber for approval as we speak.

I might just take a moment to comment that the process which we went through to get us here began on November 24, when I and, I assume, other chairs of committees received a letter from the Honourable Senator Massicotte, in which he stressed that it was his subcommittee's intention to treat all committees fairly in order to facilitate their work and ensure that Canadians got value for money—I am quoting selectively here. Certainly, this letter is available for anyone to see.

He went on to say that we must ensure that all committees and work plans get the special attention that they deserve, and I can assure you that his subcommittee gave our committee special attention. It took us hours and hours to prepare the responses.

Senator Massicotte asked for special projects to include objectives, and how we expected to achieve them. We were asked for measures of success, expected benefits and the impact on public policy and/or Canadians' quality of life. We were asked to produce an effective communications plan and a proactive political strategy that extended well past the publication of any written report.

On February 7, we received a subsequent letter from Senator Massicotte in which, on behalf of his subcommittee, he told us that the subcommittee would like to reiterate the importance it places on value for money in its assessment of committee budgets, and that to assist the subcommittee in its work, committees are asked to include with their budget submission a separate brief document including the following information: A study description; previous or current studies on the same topic by the House of Commons or the Senate; goals or objectives; impact; necessity; funding, including an estimate for future fiscal years; human resource requirements; travel; time frames and deliverables, and a communications plan. This was subsequently followed up by a further communication asking for more elaboration and detail.

We wrote back to Senator Massicotte. We provided him with copies of our reports to date, and we went through the impacts that our studies had had as best we could see. The list included changes that had taken place in various government policies and departments over the period of time that our reports had gone forward.

We provided Senator Massicotte with a copy of the *Canadian Security Guidebook, 2005 Edition*, in which we listed every recommendation the committee had made, and we indicated the government response to each of those recommendations. We found that over 50 per cent of the committee's recommendations had been adopted by the government. We saw significant changes in the programs under way in the Department of Transport, where they were taking a different approach to ports and to airports. We saw significant changes in the Deputy Prime Minister's department, where we had identified deficiencies in OCIEP and the lack of plans for continuity of government, the lack of an operations centre and a number of other issues that the government has since indicated it would proceed with. We saw a number of areas in which the Department of National Defence had taken into account our recommendations and was currently acting on them.

We also provided Senator Massicotte with a number of quotations from the ministers involved who, unsolicited by us, made comments to the effect that, in fact, it was the committee's reports that were driving the agenda as it related to the particular subject.

Returning to the comments of Senator Joyal as reported in Hansard, he asked why travel seems inherent to the existence of that committee.

• (1630)

Travel is important to our committee. We find that we have great difficulty when witnesses come before us in Ottawa. Unlike other committees, there are no alternative sources of information. If the Banking Committee does not like the advice they are getting from the department of Finance, they can go to any number of people and get alternative advice. The banks are all qualified to do it. There are people in financial centres across the country that can do it. However, in terms of the Department of National Defence, the Department of Public Safety and Emergency Preparedness and CSIS, there are no alternative sources. There is not another Department of National Defence.

We find that when generals testify, previous generals, retired generals, the government marginalizes them as armchair generals and suggests that they are out of touch and not up to date with what is going on. We find, frankly, that the testimony we get from senior officials here in Ottawa generally seems more focused on protecting their minister the next day in Question Period than enlightening Parliament. Therefore, we travel.

You will recall during the debate when this committee was established that this was to be a committee that did studies. We were set up to work on Mondays, and we have consistently worked on Mondays. We get relatively little legislation, certainly relatively little compared to the Legal and Constitutional Affairs Committee or other committees, but we do travel.

The nature of our travel is not what I would call the tourist circuit. We have been to Peel, Windsor, Kingston, Esquimalt, Regina, Pat Bay, Winnipeg, Shearwater, Oromocto, Dwyer Hill, Borden, Trenton, Petawawa, Valcartier, Saint John, New Brunswick, St. John's, Newfoundland, Charlottetown, Edmonton, Vancouver, Montreal, Halifax and Washington. We have relations on an ongoing basis with ten committees in Washington who relate to us in different ways. They visit us here. It is intriguing that we have ongoing communications with them about mutual matters.

Yes, we do travel, and the reason we travel is when we get out and talk to troops and customs officers; they are prepared to tell us things that people in Ottawa will not tell us. We find that very difficult. That is where we find out about the vehicles that do not have parts. That is where we find out about units that are not properly manned. That is where we find out about bases that have married quarters that are falling apart. That is where we find out about customs officers who are serving alone at a post, unprotected, and the government policy is that the police will come and protect them if there is a problem, yet when we talk to

the people serving at the post they said the police do not come or, if they do, it is several hours afterwards, and their post has been run.

We travel because that is how we, as a Senate committee, have managed to write these reports. The information that is in these reports is not from testimony we received in Ottawa; it is from people who are prepared to talk to the committee when we have gone out and met with them there.

We also, frankly, have a pretty positive impact. I have just come back from a series of five town hall meetings. It is a salutary experience sitting in a room not knowing who is going to get up, not knowing what they will say, having them tell us to totally disarm or get huge increases in military spending, having them tell us that we are a waste of time or having them tell us that we are doing a great job. You do not have a clue when you are sitting there who is coming. We put advertisements in the paper, and whoever wants to show up, shows up. The committee has been doing that to get views.

Yes, we do travel. We do have a large budget. The last defence review was a decade ago, and 75 per cent of the expenses that we have before you, honourable senators, are for travel. Last time, the Department of National Defence provided an aircraft to the joint committee that was travelling. This time, the Department of National Defence says they do not have any aircraft left for us. The aircraft they have are unserviceable or they are in use, and this is one of the serious problems. When we talk about travel, we were told by transport command that our aircraft were fine. We went to Trenton in —

[Translation]

**The Hon. the Acting Speaker:** I must inform the Honourable Senator Kenny that his time has expired.

**Senator Kenny:** Would it be possible to have an additional ten minutes?

**The Hon. the Acting Speaker:** Honourable senators, does Senator Kenny have leave to continue?

[English]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** I would ask for a limitation on the debate. Several people in this chamber would like to ask questions, therefore I do not necessarily want to put a limit on it, but I would like to put a limit on Senator Kenny's presentation, if I may, to allow for questions from the floor. How much longer does the senator have before we can go on to questions?

[Translation]

**Senator Kenny:** I would say ten minutes, Mr. Speaker.

[English]

**Senator Stratton:** Is Senator Kenny asking for ten minutes more in his presentation?



[Translation]

**The Hon. the Acting Speaker:** Honourable Senator Kenny, do I understand correctly that you are asking for an additional ten minutes to complete your remarks without taking questions on your presentation?

**Senator Kenny:** Mr. Speaker, I would like to respond to a question that was asked in yesterday's *Debates of the Senate*.

**The Hon. the Acting Speaker:** Honourable senators, Senator Kenny is asking for an additional ten minutes to finish his remarks, to be followed by a question period. Is there agreement?

[English]

**Senator Stratton:** Senator Kenny should appreciate that while he is going through that presentation, for the most part, most of the people in this chamber already know and are aware of what he is saying and have heard it before. For the consideration of this chamber, because there are questions, I ask that he limit himself to five minutes more so that we can then get on to questions. Ten minutes will be a repetition of what this chamber has heard from him before in many instances. I would therefore ask him to consider five minutes, and then questions.

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, if I understand correctly, you are willing to allow Senator Kenny five minutes to complete his remarks, to be followed by a question period. Is that right?

[English]

**Senator Kenny:** Your Honour, I am in the hands of the Senate.

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, there would be agreement to allow the senator five minutes to complete his remarks, followed by a question period.

**Hon. Senators:** Agreed.

[English]

**Senator Kenny:** Thank you, honourable senators. Perhaps I would have been more concise, but I must confess that I had notice last night that I was needed here, and I got up at five this morning to get back here. I have not had the occasion to organize things quite as I would have best preferred, but I will abide by the five minutes.

Yes, we do travel. The committee has not gone to places that are by anyone's measure exotic or places that one goes to travel for the pleasure of travelling. The committee frankly finds it is very hard work and committee members feel stressed when they do it.

I would point out that it is unfair for the comment that I see here from Senator Joyal to suggest that the committee spends \$1 million a year travelling the world. That is not in fact the case,

or anywhere near the case. If you look back over the past three years, the committee spent \$316,959 in 2001-02, \$359,844 in 2002-03, and \$282,413 in 2003-04. We are, at this point, in the middle of a defence review that has not taken place in a decade. We are a little frustrated that the government has not come forward to pay for this. I have had four Ministers of Defence promise me. That was first promised in October and then again in November and then again in January. We are still waiting for the paper to come forward after a clear understanding that it would be there.

• (1640)

I would finish off simply by saying that committee members believe that the Senate is getting value with these reports. We feel that we have had an impact on Health Canada's emergency caches; the Hercules aircraft that I was talking about where we discovered when we went to Trenton that 19 out of the 32 were unserviceable; the organized criminal activity taking place in ports that has been reconfirmed by a number of journalists and newspapers who, after our report was published, went and confirmed it; the difficulties that exist with container screening across the country; the gaps in border security with the manning levels; the infrastructure challenges we have encountered at all of the bases; the problems with spare part shortages; the training backlogs that we have identified in a number of areas, particularly some of the stress trades; the quality of life issues that affect our soldiers, sailors and airmen and women; the problems of reservists moving from reserves to the regular force or the problem of regulars moving into the reserves; the security gaps at Toronto Pearson Airport and airports across Canada that still exist with inadequate searches; under-manning of Canadian Forces units and the general underfunding of the military.

Honourable senators, again, we think that the Senate is getting value for money. We believe that we have met all of the tests put forward by the Internal Economy Committee. We underwent a rigorous and difficult examination by its members them. Senator Massicotte is here. We answered his questions to the best of our ability. He did not give us the funds we asked for, but he proposed a reduced amount.

Honourable senators, I stand here ready to deal with questions.

**Hon. Noël A. Kinsella (Leader of the Opposition):** I thank the honourable senator for his presentation. My first question for Senator Kenny is: How many reports *grosso modo* has your committee issued?

**Senator Kenny:** We have issued nine of them, Senator Kinsella.

**Senator Kinsella:** How many of those reports have been adopted by the Senate?

**Senator Kenny:** In fact, the last report was adopted by the Senate and included every recommendation that we have made to date.

**Senator Kinsella:** Has one report been adopted or have all nine been adopted by the Senate?

**Senator Kenny:** To be honest, I am not sure how many have been adopted, but I know that in the last report we included each recommendation the committee had made. We withdrew two of them that we considered no longer to be applicable. I do not have the date, but this report was adopted in its entirety.

**Senator Kinsella:** My second question relates to an exchange here yesterday, on page 877 of the *Debates of the Senate* for March 9. Senator Day was speaking, explicating the rationale in support of the seventh report's adoption. What I read in the second paragraph of Senator Day's statement yesterday is the following:

The statements made by Senator Kenny convinced the subcommittee and the full Internal Economy Committee that this is a very special study dealing with the need for a national defence policy, which was requested by the Minister of Defence and cabinet.

What was the nature of the request from the Minister of Defence and the government for a study?

**Senator Kenny:** The nature of the request was that they anticipated having a study out and available, and they wanted committees from both Houses to then ventilate them and to create a debate in the country to validate the paper. The committee started work on the assumption that the paper would be coming forward that month, and some concern was expressed about whether we could complete our work in time. Inasmuch as three members of the committee — Senator Meighen, Senator Forrestall and myself — had been involved in a previous defence review, we had some sense of the issues that had to be addressed, and so the committee began preparing itself to comment.

**Senator Kinsella:** My concern is that if the Minister of Defence, or for that matter the head of any other department or the cabinet itself as a whole, wishes to have a study done, they have all the resources of the Government of Canada to do their study. For them to ask that a study be done and for the Senate to carry out that study, with the very limited resources available to the Senate to do our policy studies, is something I would like clarified. What percentage of the budget is being expended for purposes of doing a study that the minister wants to have done, knowing full well that the minister has the means to do his or her own study?

**Senator Kenny:** Honourable senators, the minister is doing his own study. The purpose of the Senate committee is to comment on and to react to and either validate or invalidate the paper that is coming forward from the government.

**Senator Murray:** When and if the government paper is released.

**The Hon. the Acting Speaker:** Senator Kenny, please continue with your answer.

**Senator Kenny:** With respect, that is part of the frustration of the committee. How shall I put this? One is advised that a paper is coming forward. One is asked to organize oneself in a fashion to

be able to comment on it and one starts the preparation to do that. If the paper does not materialize, one carries on and says that if and when it comes we will comment on it, and if it does not come we will have a paper and we will put it there. The committee seemed content with that.

Things do not fall under quite the logical paradigm that Senator Kinsella has described Kinsella. It is not as though there was ever an announcement that said there will not be a study now. The announcements always were that it will be next month or the month after that, and so the committee carried on. We inquire more often than you do about when we are going to get the paper and keep getting new dates.

**Senator Kinsella:** Thank you for the clarification.

Let me turn to the matter of missile defence. I appreciate that in your clarification you have expressed your own personal view, which you have every right to express. There was some confusion in the way some of us read the byline at the bottom, the editors having added "chairman of the committee," so I thank you for that clarification.

Do you or your colleagues on that committee — who I believe do excellent work, by the way — have material concerning what the Americans were proposing by way of missile defence? We have been attempting to understand the nature of the request that came from the United States. Do you have any documentation? Some people are using the phrase "signing on to missile defence." Is there any kind of proposal in writing that includes a place where one could sign? Some would suggest that the phrase is simply an analogy.

• (1650)

Honourable senator, your view was strongly articulated. Was it based on any knowledge of the American proposal? Have you seen any documents and, if so, would you share those documents with this chamber? We remain very much in the dark, although we have been attempting to obtain information on the matter.

**Senator Kenny:** Honourable senators, the Leader of the Government in the Senate places me in a difficult position. I stand before the house as the chair of the Standing Senate Committee on National Security and Defence. In that capacity, I am here to answer questions on the committee's position. I have to inform honourable senators that the committee does not have a position on ballistic missile defence, although I, personally, have a position on it. However, I do not believe that private senators are permitted to receive questions in this form and in this way. I believe it is incumbent on me to answer as an individual if I make a statement in the chamber, but I stand here in my capacity as chair of the committee. Certainly, the article I wrote was in my capacity as a private citizen, so I am not certain that the question is in order, Your Honour.

**Senator Stratton:** I have to ask this question because it has been on the minds of several senators for some time.



Senator Kenny, when you made your submission to the Standing Committee on Internal Economy, Budgets and Administration for approval, you listed the number of hours that your committee works, and that number is commendable. You also compared the number of hours that the committee put in as opposed to the number of hours of other committees.

Could you give me a breakdown of the hours? Of what do they comprise?

**Senator Kenny:** Honourable senators, I have the figures that were compiled by the committee's directorate. The committee sat for 719.4 hours during the Thirty-seventh Parliament. The median for the Senate was 244.3 hours and the mean was 190.7 hours. The figures are a combination of hearings and fact-finding. In this Parliament, not counting the month of February or March, from October 2004 to January 2005, the committee sat for 80.7 hours; the median for the Senate was 16.68 hours and the mean was 11 hours. The hours include fact-finding and hearings. There is not a further breakdown of those hours.

**Senator Stratton:** I did not ask for the total number of hours because we are aware of those. Rather, I asked what those hours were comprised of. Was the time spent meetings or traveling, or touring facilities? What is the breakdown of the number of hours?

When you are comparing the hours sat by other committees, are you comparing apples and apples, or are you saying that your hours included your travel time? Do your hours include your tours of facilities? We are interested in knowing the breakdown.

**Senator Kenny:** I am happy to reply to the honourable senator's question. The hours that we spend sitting in committee are straightforward, and people understand that. In terms of the fact-finding hours, none are for travel. I arrived here at five o'clock this morning, and that does not count as any of our travel hours.

When we are fact-finding, a typical day is as follows: At 8 a.m. on Monday, March 7, the committee had a working breakfast to review the day's program. We were briefed on what to expect from the various witnesses. From 9 until 10:30 a.m. we heard about the Canadian Land Forces, Western Area, from Brigadier-General Beare and from Colonel Grant, and the committee asked them questions. We also heard from two additional colonels. From 10:30 to 11 a.m. we travelled to CFB Edmonton. That did not count as part of the hours tallied. At CFB Edmonton, from 11 a.m. until 12 p.m. we met with Colonel Flurry and Chief Warrant Officer Ellis, and talked about the problems and challenges faced by the Lord Strathcona Horse regiment. We talked to enlisted personnel and officers who worked there, and we saw the problems they were encountering with their equipment.

We then had lunch, which counted as our time because the committee's policy on lunch is to break out into individual tables to sit with either enlisted people and their spouses, or enlisted people only. We ask the officers to leave the room and we use lunchtime to hear the perception from the bottom up, rather than from the top down. The time from 12 until 1 p.m. would count as one hour of committee time.

At 1 p.m. we met with the 408th Tactical Helicopter Squadron and Colonel Laplante. We went through the problems he is having with the Griffin helicopters. We met with the technicians who repair them and talked to them about the problems that they are addressing and how well it is working.

We then returned to the hotel, which took one-half hour and did not count. When we arrived at the hotel, we spent from 4:30 until 6:15 p.m. hearing from Professor Tom Keating and asking him questions and listening to his answers. From 6:15 until 7:45 p.m., we heard from Colonel Sullivan, Wing Commander at Cold Lake, and from Colonel Werny, Commanding Officer of the Aerospace Engineering Test Establishment, for one hour and twenty minutes. They described the problems of not enough flying hours, not enough fuel and not enough spare parts. We discussed in some detail whether Colonel Werny could maintain the confidence of his pilots, given the current funding.

We then had a working dinner where we reviewed, with our researchers, what we had learned that day, to assist them in writing the report. We began our public meeting, which was open to all, at 6:30 p.m. and heard from 23 members of the public until 8 p.m. We asked each one of them a question about their presentation. We departed the hotel and flew to Calgary, arriving at 10:55 p.m. The travel time from Edmonton to Calgary did not count in the time of the committee's work.

Perhaps I have not given you a precise answer but I can tell you that getting from A to B does not count as fact-finding time. Rather, it counts as fact-finding time when the committee is sitting face-to-face with the witness, or when we are standing and talking to an individual about defence or national security issues.

• (1700)

However, the flight out, the flight back, to get from A to B, none of that counts in the hours that you see here, sir.

The test of that, if I could, I would refer you to the witnesses, where during the last Parliament we saw and talked to 1,110 witnesses. The mean for committees was 423, and the median was 377. In the October to January period, we met with 146 witnesses, and the mean for Senate committees was 29 and the median was 17.

**Senator Stratton:** What is the normal meeting time on the Mondays that the committee meets?

**Senator Kenny:** One of the difficulties we have with Mondays is that some committee members come from far away. We have some who are in Halifax. We have some who are as far away as Edmonton. For a while we had a member from Regina, and I can attest from personal experience that getting here from Regina is no treat. Three Mondays a month we meet from six o'clock until nine o'clock at night, and one Monday a month we meet at nine o'clock in the morning until six o'clock. That precipitates Senator Banks leaving the night before and perhaps Senator Cordy may have to leave early as well if she is to be at that meeting. Senator Meighen can get an early flight out of Toronto. He can get a seven o'clock flight and that gets him in on time. These are the meeting times with which committee members have indicated they are comfortable.

The honourable senator will note in the same set of figures that the committee has an 80 per cent attendance record. We have that 80 per cent attendance record on Mondays, which places the committee tied for second this session and third in the last session in terms of committee attendance.

**Senator Stratton:** I was not asking for the number of hours worked. I was asking about the committee's normal time slot. Each committee in the Senate has a normal time slot when they meet. We are concerned on this side with the problem of extension of hours arbitrarily without approval of this chamber. We have extreme difficulty in manning committees on this side because of our numbers.

If you insist upon sitting extraordinary hours, we do not get attendance from your members at other committees. That is the problem and is something that should be addressed. My question again is: When are your normal hours to meet on Monday? What time period has been slotted for the committee to meet?

**Senator Kenny:** I gave you the answer, sir. I said on three Mondays we sit from six o'clock until nine o'clock and on one Monday we sit from nine o'clock in the morning until six o'clock. When the two new committees were established, the schedule was designed so that there would be no overlap between the two committees. The Senate normally does not sit on Mondays, and when it does we do not.

**Senator Stratton:** You will not mind if I ask someone to verify that simply because we do not normally sit Monday evenings. My understanding was that the Defence Committee sat for three hours every Monday and that was it. That is the approved time slot. Perhaps I am wrong. Perhaps my honourable friend can inform the house as to whether something else has taken place. I am concerned about burnout on the part of our committee members because we are not getting attendance from them at other committees.

**Senator Kenny:** With respect, this is how the committee has been functioning for three years. Those on your side have supported this sitting schedule. We have yet to have a division in the committee on anything. The committee's decisions are unanimous. There are no competing committees. None of our members, until Senator Day was appointed to a special committee, had a conflict. What would you have us do, work less?

**Senator Stratton:** That has been approved by this chamber?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, my understanding is that it has been approved by the whips, and that is normal practice when a committee seeks to sit outside its allotted time.

In any event, honourable senators, we have had an extensive report from Senator Kenny. The report he is submitting is based on the assessment and conclusions of the Internal Economy Committee of this chamber, which has been given under our rules the authority to assess budget submission by committees. We have an action by our Internal Economy Committee. We have heard the budgets were carefully studied both by the

subcommittee headed by Senator Massicotte and by the Internal Economy Committee. Senator Kenny has certainly confirmed that there were a number of specific exchanges before the current report was closed off and brought to this chamber.

I would like to suggest that we put the question now. I would like to say that I know there has been some concern about whether funds have been adequately provided for the work of all committees. My view at the moment, after consulting with Senator Furey and Senator Massicotte, is that they are well aware of the funds available and the demands on those funds by all of the committees. They have no intention of depriving any of the committees of the funds they require to do the work assigned to them by this chamber.

Should it prove to be the case in the fiscal year that we will be starting on April 1 that there are inadequate funds for the committee work that is supported by the Internal Economy Committee, I would speak with the Leader of the Opposition regarding the possibility of supplementary estimates to assist our committee work.

I put our committee work at the very top of our activity, with one exception; that is, government legislation, which is the first priority of this chamber. After that, everyone recognizes that our committee work is a significant part of the work of our chamber.

Honourable senators, I ask that the question be put.

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, given that other senators would like to ask questions, I will consider that last intervention to be a comment on Senator Kenny's question.

[English]

**Hon. Serge Joyal:** I want to accept the invitation of the Honourable Leader of the Government. I thank Senator Kenny for his information. I concur with the fact that the subcommittee chaired by Senator Massicotte, of which Senator Lynch-Staunton and Senator Day are members, added Appendix "B" to the report dated February 24. We are being requested today to approve that report, which concludes that the total budget for the Standing Senate Committee on National Security and Defence would be \$657,000.

• (1710)

I look at the figures that we have been provided by the committee — that the professional and other services amounted to \$177,600 — and I see the same amount on the Appendix "B" of the report. On transportation and communication, there is a reduction. As I understand it, the reduction of \$160,000 from the original request came from that item.

What this report does not inform us about — and that is why I am on my feet before I vote on this matter — is which travelling has been reduced? As the honourable senator said properly, and I listened carefully, he needs to travel for the purpose of the committee. However, I would like to know if it is a reduction in the number of days that the committee is to stay in New York,



Washington, Norfolk, Colorado Springs, Los Angeles, San Diego, Brussels, Dubai or Kabul. Where is the reduction? Is it in the number of days, or is it one kind of trip that has been removed from the original plan that he had? That does not appear in Appendix "B" of the report that we were provided by Senator Furey.

**Senator Kenny:** I understand the question. You appreciate that we are following the standard practice of the Senate in terms of the reports that have come forward; but I do understand why it would be unclear to some senators.

The cuts that you see are the trip to Colorado Springs, San Diego and Los Angeles, which means that the committee will not be looking at NORAD, Northcom, the bilateral planning group and ballistic missile defence. The committee was intending to look at how Canadian frigates integrate with carrier task groups in San Diego; and at Camp Pendleton, we were to look at how the marine corps functions, which is the model that appears to be the direction in which the Canadian Forces is moving.

On the way back from that trip, we were intending to meet with the — it will come to me in a moment; I saw the page here earlier. I regret a lack of organization on this, but we were intending to meet with a foundation in Los Angeles that did some distinguished work that was of value to us.

The other trip that the committee cancelled was the trip that was set up in the fall — the November trip. Both of them went — for a total of almost \$200,000. We are looking at trying to deal with first responders in Toronto in place of that.

**Senator Di Nino:** When were they scheduled?

**Senator Kenny:** They were all scheduled for the coming fiscal year.

**Senator Joyal:** I thank the honourable senator for his explanation on the perspective, objective and scope of the committee's work this year. Yesterday, again, when I listened to Honourable Senator Day — and I am thankful to the Honourable Leader of the Opposition for having quoted the transcript verbatim — I was under the wrong impression, I confess. I thought that the committee had been requested by the government to do a review of the defence policy. Since such a review is a very comprehensive kind of responsibility, I concluded that if the government were requesting the review, the government should fund it — in other words, the one who calls the tune is the one who pays.

I said to myself, since the committees of this house are cash-strapped, if the government is requesting the committee to do such a study, the government should allow a reasonable amount of money in the Estimates, considering that the committee has to travel.

Now I understand that that is not exactly the way we should understand the comments made by the Honourable Senator Day — in all due respect, because he is not here today.

[ Senator Joyal ]

If I understand properly, Senator Kenny, your answer is that if and when the paper of the government and the review of the defence policy are published, you will stop your agenda and start studying the government policy. Is this the correct interpretation of your comment, or am I wrong?

In other words, let us make a hypothesis. Suppose the government, on the first of June, releases its report on a proposed review of defence policy. You would devote your time to that policy so that you could report to all senators who unfortunately do not have as much time to spend as the committee does — and I am grateful for the number of hours the members individually put in on the committee. That would be your priority for the rest of the year. Am I right or wrong in interpreting it that way?

**Senator Kenny:** With respect, honourable senator, if it is June, I think I will probably be the first to be jumping off the Peace Tower; and you will not get a report from me on anything.

It has been a moving target. If things were simple, I would give you a simple answer, but it has not been simple.

When we started off after the Speech from the Throne, we got assurance from both the Minister of Foreign Affairs and from the Minister of Defence that we would have a paper in October. The committee then structured its work plan and organized itself, and then went to Senator Massicotte and his committee with our proposal.

Then, as each month went by, the issuance of the paper kept being put on hold. The committee's view was that that was fine; that there are things that we know have to be in any defence review. We will look at them now and we will form our conclusions about them, so that when the paper does come forward, we will already know about the problems in recruiting, or we will already know that we have a destroyer that is being tied up and cannibalized to give parts to other destroyers.

Therefore, we were preparing ourselves so that we could comment on the paper, whenever it came forth. Our fondest hope is that we will see that paper. Then we will be able to comment on it, because we have been developing a much greater knowledge base with our work to date. If it comes in the next month or two, that is exactly what we will do. We will focus entirely on it. However, if the honourable senator is now saying that the paper will not come forth until June, then you might have to find yourself another turkey to take a look at it. We will put out our paper and say "This is the defence review."

**Senator Stratton:** I will bet.

• (1720)

**Senator Joyal:** Thank you, honourable senators. I understand the scope of your work much better. I try to keep an eye humbly on your work, and go through the report and the comments that are made. Sometimes I must tell you I feel a little confused about the nature of the committee. Sometimes I have the impression that the committee is a parallel to the Auditor General looking into the government decisions and trying to see if there was value for money.

Sometimes I have the impression that the committee is like an ombudsman that is concentrating on the condition of individuals. Sometimes I have the impression that the committee is more objectively on a policy level, the way that some other committees sometimes happen to work. I do not need to give illustrations of that, for example Senator Carstairs doing the palliative care which was a broad field.

At times I have problems understanding exactly the aims of that committee. Would it be wise to target a more precise chunk of work so that we do not get a kind of blurred image of everything at the same time?

I do not mean that the work of the committee is not useful. I think the committee has come forward with some conclusions that are very useful, for instance, security in ports.

The committee made two conclusions that were very overwhelming when the committee mentioned all the Canadian Forces abroad should be called back because everyone was exhausted and their lives were at risk, unless I greatly misunderstood the comments that were made. That was an overwhelming statement at that time. If the Canadian Forces are at risk of losing their lives because of exhaustion and being burned out, somebody in the government has to take a decision. In the months following, I saw there was no such decision taken by the minister of defence.

On the contrary, they were exchanging the forces to be replaced by other forces. That is what we got from signals. At a point in time, I want personally to know exactly what we can expect from the committee, as senators.

**Senator Kenny:** With respect, our reports have been fairly specific. If you look at them, they have covered off chunks at a time. Our rate-limiting step is the cost of travelling. We are conscious of that and we look at more than one thing when we travel.

When you talk about ports, the information we got about ports came in an integrative way. You do not suddenly look at ports or visit one port and arrive at a conclusion. If you followed our work you would have noticed that the first report that we put out about ports was criticized by people, saying that we missed too much and did not get it right. We took a harder look at ports and discovered they were in worse shape than we suggested the first time. It was only because the first report went out that people read it and came back to us saying we were misled because we listened only to the bosses; talk to some of the other people there, so we did that. The same is true of airports. When we talked to the CEO of Air Canada, the Minister of Transportation and the head of the post office, they said everything was fine in airports.

We got mail from people who worked in airports and they said it is wrong, the mail and the baggage is not checked, the workers can go back and forth with knives and someone has led you down a garden path. Based on that information we went back and said, "Come clean."

Canada Post said that they thought Air Canada searched the mail, and Air Canada said that they thought Canada Post searched the mail and Transport Canada said that no one did, and no one does. That has been established a number of times.

You stated that we are taking too broad a picture about calling back the troops. I am sorry the government called back the troops. When we said that, there were 6,000 troops overseas. We said we wanted a pause. The ships came back and tied up. The Commander of the Navy said that he was not going to send any more ships out on patrol for the next year. There was no magic for us. We were repeating what we were hearing everywhere we went. People said we cannot do it any more. We cannot function. We have run out of people and ships to do it. We do not have the equipment.

We were in Esquimalt and we were watching the *HMCS Winnipeg* trying to deploy. To do that they had to bring 60 per cent of the crew from other ships and 15-separate parts from the *HMCS Ottawa* to get the *HMCS Winnipeg* out to sail. I am sorry, the government followed the recommendation of your committee. It said, "Pull back and do not send people out." We went from 6,000 people posted to under 2000. If that confuses the honourable senator, I cannot help it. There was a problem with too high a tempo, wearing out of equipment and personnel, the family breakdown, lack of opportunities to train, and people away from home too often. We pointed that out in the report, *Update on Canada's Military Financial Crisis: A View from the Bottom Up*, and everyone at the time said, "Who will do that. That is goofy." Within six months, that is exactly what the government did, and it has happened across the board. The committee takes great satisfaction from that.

**Senator Joyal:** I have a final question: Do I understand that over and above the professional and other services, there are the personnel of the Senate that accompany the committee or is this just the personnel that travels with the members of the committee? Is there a clerk of the Senate, and research people from the library, so as to get a clearer idea of the overall cost of the committee? When there are clerks of the Senate who accompany the committee working, and you sit for so many hours, they can work so many hours a day. There are some working conditions pertaining to their status. Could you inform us, generally, what is the additional work force that you have as support staff from the Senate and the Library of Parliament over and above the \$70,000 that is covered in your bill?

**Senator Kenny:** I would be happy to do that. If you look under each trip we list who is travelling. We actually canvass senators ahead of time and say, "Will you be able to go on that trip." We are precise, therefore, about the number of senators travelling.

If you look at the trip for April 13 to April 21, for the first part of the trip there were six senators, one clerk, one logistics officer, one consultant, one researcher — I just answered that.

**The Hon. the Acting Speaker:** Honourable senators, if questions are to be asked and recorded, I would urge you to wait until you are recognized. I would urge Senator Kenny to continue with his answer.



**Senator Kenny:** There is one researcher, three interpreters, one French debates person and one media relations person. If you take a look for when the trip goes to Washington, there is not the same requirement for the same people going. It is a different trip and there are no public hearings. There is a different cast of characters going. We have broken that out for each trip, so it is clear for you or for the Internal Economy, Budgets and Administration Committee and when we went through it they inquired of us in great detail.

For example, when we are having a public meeting, that is a town hall meeting. It takes a lot more people to organize because you have people at microphones, people at the door and people to pass out questionnaires to people who choose not to come to the microphone and so on. It varies trip by trip according to the subject matter, location and whether it is a fact finding trip or a hearing. It is broken out, as you will see, in the costing of each trip.

**Senator Murray:** Honourable senators, there is a table that accompanies the seventh report of the committee in which it is indicated that in the fiscal year 2004-05 that ends at the end of this month, the committee has spent \$121,202. Can the chairman say whether this amount is close to the final amount that will have been spent in this current fiscal year?

• (1730)

**Senator Kenny:** Yes, I can, and it is not close to the amount. It reflects the first trip out. It does not reflect the Esquimalt-Victoria-Vancouver trip; it does not reflect the trip to Edmonton, Calgary, Regina and Winnipeg. A more accurate estimate would be something in excess of \$500,000 at this point.

**Senator Murray:** Thank you for that answer. The figure is not \$121,000; it will probably turn out to be in excess of \$500,000.

For the fiscal year beginning on April 1, we have a proposal before us in the amount of \$657,000, I believe.

**Senator Kenny:** That is correct.

**Senator Murray:** Can the chairman give us an assurance that he will not be back requesting supplementary estimates for an amount in excess of that considerable sum?

**Senator Kenny:** No, sir, I cannot give you that assurance at this time. We have not even started the fiscal year yet. I have no idea. I am the servant of the committee. I can tell you that we asked for more in our initial application. We were turned down by the Internal Economy Committee. As with any other chair, I convey the views of the committee to the Internal Economy Committee, and that committee disposes of our requests as they decide, as does the Senate.

**Senator Murray:** I think honourable senators would agree that any significant amount of money sought by way of a supplemental would not be an overrun on the activities already provided for in the present report. In other words, one assumes that your budgeting for those activities is on the mark.

I think the chairman can probably tell me whether the committee intends to come back with expanded or new projects that would require supplementary funding during the fiscal year.

**Senator Kenny:** I cannot predict the future any clearer than Senator Murray can. I will tell honourable senators that the committee cut out certain elements of the work. I described those as best I could to Senator Joyal. They included the visit to Colorado Springs and San Diego that the committee thought would be very useful.

In order to meet the deadlines and guidelines that we were being given by the government, we compressed the defence review so that all the work, in terms of travel, would be completed by the end of June. It was the committee's intention to spend the summer writing the paper and to have a report available by Labour Day.

One of the trips that we cancelled in order to meet the request of the Internal Economy Committee was the trip scheduled for November.

**Senator Murray:** Of what November are we speaking? Was it last November?

**Senator Kenny:** I am speaking of November 2005.

**Senator Murray:** If the Internal Economy Committee and my honourable friend's committee have together cut out some trips for the fiscal year 2005-06, why would Senator Kenny put them back in by way of a supplementary in the same fiscal year? Why would he contemplate doing such a thing?

**Senator Kenny:** I am sorry, but our committee does not put in Supplementary Estimates; the Senate of Canada puts in Supplementary Estimates. The government deals with Supplementary Estimates. I am only telling you that our workplan is structured in the way that it is structured. We did not jointly remove parts of this program. We got a message back from the Internal Economy Committee telling us the amount of money we would have.

**Senator Murray:** That is for the fiscal year 2005-06, is it not?

**Senator Kenny:** It is not that simple. Senator Murray may wish it to be, but it is not. The Internal Economy Committee has a program whereby they take back unspent funds and reallocate them if they find there is something worthwhile to spend the funding on. That has been the case for a number of years now, as Senator Murray well knows.

We intend to proceed with our workplan as we have it written here. The workplan, for travel purposes, comes to an end in early September, and I am not in a position to comment on it. Frankly, I have had enough difficulty keeping track of where we are now.

I find it very challenging to look ahead for 14 months with certainty, due to prorogations, dissolutions and the legislative challenges that face us. I have no idea what bills are coming our way. I know that I did some work this summer relating to parliamentary oversight of the intelligence community, in which members from Senator Murray's side participated. I have been anticipating for some time that something would come forward

from that work in the way of a paper, as well as in the way of legislation. In fact, I have enquired of the Deputy Prime Minister as to when we might see that come forward.

**Senator Murray:** I do not want to interrupt, but I also do not want to take too much of the time of the Senate on this. You have a workplan and, if it is voted today, you will have \$657,000. Does \$657,000 fund your workplan?

**Senator Kenny:** It funds the work plan you see before you, yes.

**Senator Murray:** Is there another work plan other than the one we have before us?

**Senator Kenny:** No, sir, but we are the servants of the Senate, and if the Senate gives us legislation or work to do, we will carry it out.

**Senator Murray:** I understand that, senator, but in terms of the general work of this committee, leaving aside legislation, the committee concludes that there is an additional field of inquiry they wish to pursue, and they come back with a motion asking for authorization from the Senate for that inquiry. The initiative for most, if not all, of these inquiries comes from the committee itself, not from any non-member of the committee in the Senate.

If you are intending to come back for significant supplementary funding during the fiscal year that begins on April 1, it will probably be because you have a new project, an expanded project or a different field of inquiry to add to your work plan. Is that not the way it usually works?

**Senator Kenny:** No, senator, that is not the way it usually works. I wish it were. In reality, I have no idea when the government will come forward with its paper. I think it is unreasonable to suggest that I can tell the Senate with any measure of certainty what will happen in the future.

I have already indicated that I am aware of a significant piece of work that was initiated by the government on which members from both sides worked. The government sent us to Washington, Canberra and London, to look at parliamentary oversight of the intelligence community. The undertaking that the government made to us at that time was that something would be forthcoming far sooner than now, and nothing has come forward. I have no idea what will happen there. Time will tell.

• (1740)

If the honourable senator is asking me for an ironclad commitment about what will happen in the future, I do not know. I can tell him that the committee has had no discussion of it. We are debating amongst ourselves how to deal with the situation if we go another four or five months without having a government paper to deal with. It is not entirely clear.

**Senator Murray:** In terms of parliamentary oversight, I presume that the government will decide and will make a proposal to us. Whether it would then be necessary for the committee to go back to London, Canberra or Washington, or to undertake a very expensive or extensive study of the matter, I do not know. I will leave that there for the moment, for today.

**Senator Kenny:** If I can just correct the record, our committee did not go to Washington, Canberra and London. It was an ad hoc committee made up of parliamentarians; it had no parliamentary status whatsoever. It was funded entirely by the Privy Council Office, but it included members from the other side, members from this side and members from the other place.

**Senator Murray:** What is its relevance to our budget discussion?

**The Hon. the Acting Speaker:** If I may, I can only hear one senator at a time. If honourable senators listen to the answer, then we will be ready for another question.

**Senator Kenny:** I was being asked to predict the future. In response to Senator Murray, I was endeavouring as best I could to share what knowledge I had with him on the subject. I would be disingenuous if I pretended that I did not know that the government has some thoughts in mind in terms of parliamentary oversight. May I finish?

**Senator Murray:** I will just conclude, if I may, by saying that I am glad the honourable senator has shared so much information with me, and it is extremely interesting. However, a good bit of it, including what we have just heard, is irrelevant to the question at hand, namely, the committee's budget for 2005-06.

**Senator Kenny:** With respect to Senator Murray, he asked the question and I was endeavouring to satisfy his question as best I could.

**Hon. A. Raynell Andreychuk:** Honourable senators, I am indebted to Senator Joyal for obtaining the clarifications on defence policy.

In the Foreign Affairs Committee, Minister Pettigrew said he would be interested to receive the views of the Senate with respect to the foreign policy review. We did not take it up because we knew it would be at the cost of the Senate. I wondered why the government was requesting the Senate to conduct a defence study and not the overall foreign policy study. The questions and answers today have clarified that for me. I understand this was not a formal request by the government. They are interested in our views and rightly they should be.

I would have thought a formal request would have gone to the leadership and would have been dealt with that way. I have not heard that on the record. Perhaps the honourable senator can let me know whether there was any discussion with the leadership in the Senate.

I am rising on just one point. I am not sure how to address it. I sit on five committees. I endeavour to do my job on five committees. I chair one. Statistics were given about the number of witnesses and the number of sitting hours of other committees. I understood it was not our practice to comment on one or the other. I would appreciate receiving those statistics on other committees to ensure that they are adequate and correct on regarding the number of witnesses and the number of hours each committee sits.



Comments made about the attendance of members. Some of us have had to sit for a half an hour on one committee and run to another. I would never say that I sat through the entire hearing. I have done the best I can.

I would appreciate receiving those statistics. I would like to know how that information got to the honourable senator and then to the Standing Committee on Internal Economy, Budgets and Administration. I was not aware of this process. I chair one of the committees and have never been asked to provide those statistics to honourable senators.

**Senator Kenny:** This is a two-part question, honourable senators. First, I am aware of communications that took place between the Minister of Defence and the Leader of the Government, but I think it is up to him to characterize those discussions.

Second, the figures are published on an ongoing basis. The Committees Directorate issues a report every second week, and it is available to any senator who wishes it. The figures I have been quoting are all sourced either by the Committees Directorate or by the informatics group, which counts the hits on people's websites or by the information groups that keep track of the number of media stories on every committee. They are available to any senator upon request.

We use this information when we are asked by Internal Economy to justify our work and to demonstrate the value of the work. We said, "Fine, we will show you how many hours we worked. We will show you what percentage of our members show up."

We have been told by Internal Economy that our funding will be conditional on the percentage of members who attend. We pay a significant amount of attention to attendance. We pay a significant amount of attention to the coverage we receive because that helps to have an impact on the system. The same is true with website hits. It is a measure of the public interest in the work that our committee is doing.

We are happy to tell people that we have an 80-per cent attendance rate.

**Senator Andreychuk:** That was not my question. We can debate communications strategy. I was interested in the fact that the committee in question apparently submitted figures to Internal Economy about other committees. Would these be available? Should I direct the question to Internal Economy to get copies of them so that I am aware of exactly what comparisons were used?

**Senator Kenny:** The honourable senator is certainly welcome to anything we gave to Internal Economy. I would be happy to give that information to any honourable senator at any time. That information is also available from the committees branch, the communications branch and the information technology branch. There are reports every two weeks on these matters. They are available from a number of sources. If I were asked if the honourable senator could have the information, I would cross the floor and hand it to her.

[ Senator Andreychuk ]

**Senator Andreychuk:** I would appreciate that.

**Senator Kenny:** I will walk around afterwards, if I may.

**Senator Andreychuk:** Thank you.

**Hon. Consiglio Di Nino:** Honourable senators, I would appreciate a clarification on the issue of the expenditures on studies. The expenditure that has been appropriated for this study is not augmented by any other funds. Would some of the expenses not be classified as part of the allotment from Internal Economy, the 64 points we each have available to us? Is any of that built into the studies?

**Senator Kenny:** No, sir, to the best of my knowledge that is contrary to the *Rules of the Senate of Canada*. Certainly, in my personal view, that is a misuse of the 64 points. I think they should be preserved to allow senators to commute back and forth and be with their families, or whatever. It is also my belief that that is a policy that is discouraged by the Senate.

• (1750)

**Hon. Sharon Carstairs:** I just have one simple question. Senator Kenny, when I look at your four basic work schedules, we cover April, one in May, one in June and one in November. I understand that the November trip has now been cancelled in order to make the budget \$657,000, with the \$160,000 cut. Are we to be led to the conclusion, therefore, that the defence committee will not be doing anything after June 25?

**Senator Kenny:** No, but you should be led to the conclusion that we do not have any funds for travel.

**The Hon. the Acting Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

[Translation]

**Hon. Paul J. Massicotte:** I want to comment on Senator Murray's question. The budget was cut by \$160,000 and trying to get this amount through a supplementary budget is not an option. Is that right?

**Hon. Senators:** Yes.

**The Hon. the Acting Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to on division.

[English]

BUDGET 2005

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 23, 2005.—(Honourable Senator Cochrane)

**Hon. Ethel Cochrane:** Honourable senators, in view of the time of day, I would just like to make a few remarks now with respect to the federal budget brought forth on February 23 in the other place.

This budget was entitled “Delivering on Commitments”, but it is disappointing to see how very little was delivered to Canadians and how very much was deferred to measures that will not take effect until years down the road.

This is a budget that shows how little this government concerns itself with improving the well-being of today’s citizens, in spite of its pride in claiming that we are sitting on the largest surplus of funds in Canadian history.

Honourable senators, taxes in our country are outrageously high. Almost half of what Canadian families are earning goes to pay a seemingly endless selection of taxes every year. Altogether, the federal and provincial governments are currently taking in almost \$16,000 for every single Canadian. Since 1989, there has been only 3.6 per cent growth in the take-home pay of Canadian workers — that is in 16 years — in spite of the GDP per worker growing by 21.8 per cent.

Honourable senators, what accounts for that gap? The tax load that is faced by low- and middle-income earners in Canada is simply astounding. As Don Drummond, the chief economist of the TD Bank stated recently, and I quote him:

The financial well-being of Canadians has barely advanced in the past 15 years, even though Canadians are working harder than ever.

This situation has continued despite steady growth in the economy during that period and a rise in the overall gross domestic product of almost three per cent per year. To put that in perspective, the average Canadian worker is only about 3.6 per cent better off now than he or she was 15 years ago. Such a burden is particularly onerous on those who can least afford to pay these taxes: the low- and middle-income earners in our country.

The end result of this eagerly-anticipated budget was to increase the basic personal income tax exemption from the current levels of \$8,012, starting in the next fiscal year, by \$100, followed by a further \$100 in 2007. The plan calls for the basic personal deduction on income to rise gradually to \$10,000 by the year 2009. This change will create a corresponding tax saving of about

\$16 for the average Canadian taxpayer beginning next year. Can you imagine: \$16. That will increase to only \$32 in 2007. When you do the calculations, the typical tax savings for a family of one income earner and one dependent spouse is \$29.60. For a family of two income earners, it is only \$32. This is not a significant tax saving; it is a minimal tax saving or, as one analyst has suggested, it is the value of a medium-sized pizza to the average Canadian, starting next year.

Over a four-year period, individual Canadians will save only about \$336. This is not a very effective way to deliver tax cuts to Canadians, who are already overtaxed. More important, it certainly is not a timely delivery if Canadians have to wait until 2009 before the exemption finally reaches the \$10,000 level.

I have to ask myself, honourable senators, where is the significant tax relief for families here and now, in 2005? I just do not see it. The Canadian Taxpayers Federation has called the initial tax savings laughable. To be honest with you, I have to agree. It is just not good enough.

As I recall, when the Prime Minister was Finance Minister, he ended the practice of making five-year spending projections on the basis that no one could predict with any sense of certainty what would happen that far into the future, yet this tax strategy is far from meaningful tax relief for ordinary Canadian taxpayers if they are expected to wait three to five years before they benefit in any way from the tax breaks offered in this budget. Of course, this is happening at a time when the Canadian economy is robust, and revenue is flowing into the federal coffers.

The same could be said about the Guaranteed Income Supplement benefit for low-income senior citizens in Canada. The government is offering to increase this benefit to \$2.7 billion, for 1.6 million seniors, this time over a five-year period. This amounts to a maximum monthly increase of \$36 for single seniors and \$58 for couples. Half of that increase will come into effect January 1, 2006, and the remainder will occur one year later. Any increase to this program is to be applauded. However, it will hardly prove to be of great benefit to our seniors if, for example, it only amounts to one less trip to the food bank each month. It also does little to address the needs of seniors to live above poverty today.

Instead, the federal government is telling seniors to wait another two years for a meagre increase. I think seniors would be more understanding about this delay if our country’s economic situation was poor. However, we all know that that is not the case. About one million of the current GIS recipients are women. Honourable senators, I can think of very few groups in our society that are more vulnerable than elderly women living in poverty, often by themselves. It must be insulting for them, and indeed for all seniors, to hear the federal government congratulate itself on the pitifully small way in which it says it has offered assistance.

• (1800)

Too many seniors are already making do with very little. Too many seniors are already forced to choose between paying for medications or other expenses such as food and utility bills. Unfortunately, this budget will not change that very much.



[Translation]

**The Hon. the Acting Speaker:** Honourable senators, it is now 6 p.m.

[English]

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I wonder if there would be agreement not to see the clock.

**Hon. Senators:** Agreed.

**Senator Cochrane:** I also share Senator Downe's concern that the federal government must do all it can to ensure that those seniors who are eligible for this supplement will receive it.

Figures for 2002 from Statistics Canada show that almost 135,000 seniors across the country are eligible for the GIS but have yet to sign up for it. The federal government says that those figures have changed over the last two years and are now substantially less.

If this claim is true, we are not able to verify it as those figures have not yet been made public. Each of us must continue to encourage the federal government to inform all eligible seniors of this particular benefit.

I believe that the purpose of this budget was not to provide significant or meaningful tax relief to hard-working, overtaxed Canadians. The purpose of this budget, in my view, was to increase program spending well beyond the rate of economic growth in Canada, and to do almost nothing to improve today's standard of living.

Three-quarters of the spending plans outlined in this budget, almost \$42 billion, will occur after April 1, 2007. It will occur at the expense of tax relief that could have immediately addressed the stagnating incomes of Canadians.

Honourable senators, the government continues to take more away from Canadians than it is prepared to give back to them. As the honourable Leader of the Opposition pointed out in his remarks, the federal government plans to change the way in which employment insurance premiums are set to cover actual program costs. However, the budget failed to address the billions of dollars in overpayments the employers and employees have made into the employment insurance program, not to mention the interest that this money has made.

As Senator Oliver pointed out to us yesterday, over the next five years, Canadians will pay an additional \$6 billion in EI premiums while their tax bill continues to climb. I must repeat, this is not good enough.

The Auditor General's report of last November once again reminded Canadians of the billions of dollars in EI premiums that the federal government collects but does not pay out. These premiums are little more than a regressive tax on working people, taking away the equivalent of a week's pay each and every year. They also make it more costly for employers to take on additional labour.

Honourable senators, this budget promises 40 new spending initiatives totalling some \$32.8 billion over the next five years. In 2005-06, program spending will reach \$161.3 billion, all at the expense of tax relief that would address economic problems that Canadians are experiencing now. This budget is simply a back-ended promise that offers them very little, and at a much later date.

**Hon. Senators:** Hear, hear!

On motion of Senator Stratton, debate adjourned.

## ASSASSINATION OF LORD MOYNE AND HIS CONTRIBUTIONS TO BRITISH WEST INDIES

### INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate to:

(a) November 6, 2004, the sixtieth anniversary of the assassination of Walter Edward Guinness, Lord Moyne, British Minister Resident in the Middle East, whose responsibilities included Palestine, and to his accomplished and outstanding life, ended at age 64 by Jewish terrorist action in Cairo, Egypt; and

(b) to Lord Moyne's assassins Eliahu Bet-Tsouri, age 22, and Eliahu Hakim, age 17, of the Jewish extremist Stern Gang LEHI, the Lohamei Herut Israel, translated, the Fighters for the Freedom of Israel, who on November 6, 1944 shot him point blank, inflicting mortal wounds which caused his death hours later as King Farouk's personal physicians tried to save his life; and

(c) to the 1945 trial, conviction and death sentences of Eliahu Bet-Tsouri and Eliahu Hakim, and their execution by hanging at Cairo's Bab-al-Khalk prison on March 23, 1945; and

(d) to the 1975 exchange of prisoners between Israel and Egypt, being the exchange of 20 Egyptians for the remains of the young assassins Bet-Tsouri and Hakim, and to their state funeral with full military honours and their reburial on Jerusalem's Mount Herzl, the Israeli cemetery reserved for heroes and eminent persons, which state funeral featured Israel's Prime Minister Rabin and Knesset Member Yitzhak Shamir, who gave the eulogy; and

(e) to Yitzhak Shamir, born Yitzhak Yezernitsky in Russian Poland in 1915, and in 1935 emigrated to Palestine, later becoming Israel's Foreign Minister, 1980-1986, and Prime Minister 1983-1984 and 1986-1992, who as the operations chief for the Stern Gang LEHI, had ordered and planned Lord Moyne's assassination; and

(f) to Britain's diplomatic objections to the high recognition accorded by Israel to Lord Moyne's assassins, which objection, conveyed by British Ambassador to Israel, Sir Bernard Ledwidge, stated that Britain "very much regretted that an act of terrorism should be honoured in this way," and Israel's rejection of Britain's representations, and Israel's characterization of the terrorist assassins as "heroic freedom fighters"; and

(g) to my recollections, as a child in Barbados, of Lord Moyne's great contribution to the British West Indies, particularly as Chair of the West India Royal Commission, 1938-39, known as the Moyne Commission and its celebrated 1945 Moyne Report, which pointed the way towards universal suffrage, representative and responsible government in the British West Indies, and also to the deep esteem accorded to Lord Moyne in the British Caribbean.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Marcel Prud'homme:** I know the clock is ticking and it is a very interesting debate. Since it will not die today, I will allow one day to be added. That means it is 11 or 12 days today, but I will have one word with the house for the next one that should die today if I do not talk.

I have a proposal, and if honourable senators are in the mood to accept it, I would be more than honoured and happy to cooperate. I request that this item stand.

Order stands.

[*Translation*]

## COLORECTAL CANCER ASSOCIATION OF CANADA

Leave having been given to revert to Senators' Statements:

**Hon. Céline Hervieux-Payette:** Honourable senators, please excuse my delay in speaking to you about an extremely important issue that was the topic this morning of a breakfast meeting with the Colorectal Cancer Association of Canada.

This type of cancer is rarely talked about even though it is the second leading cause of death in men and women in Canada. This year, roughly 19,200 people will be diagnosed with the disease and 8,400 people will die from it.

Periodic screening can help prevent more than 90 per cent of cases of colorectal cancer by revealing precancerous polyps in the early stages when they are easier to cure.

The Colorectal Cancer Association of Canada is the most important association of its kind in the country. It provides information and support programs to patients and families. It is also lobbying for a national screening policy and better access to new treatments.

Thanks to its efforts, the chances of surviving this disease are on the rise. Paradoxically, less than 20 per cent of all individuals between the ages of 50 and 74 are currently getting tested for colorectal cancer. I encourage Canadians over the age of 50 to learn about the risk factors and to talk to their doctors about ways to get tested. In addition, I strongly recommend that anyone with a family history of colorectal cancer consider getting tested.

Our health care system is struggling under an increasing number of responsibilities, including the need to increase cancer care. Since cancer is the leading cause of death in Canada, beating out heart disease, there is an urgent need to combat and prevent colorectal cancer.

In collaboration with this association, our federal and provincial governments have an excellent opportunity to defend this cause. In order to educate the public about this unfortunately very serious form of cancer, the Colorectal Cancer Association of Canada has designated March as National Colorectal Cancer Awareness month in Canada.

I join with the association in inviting all senators to reflect on this matter and simply ensure that their friends and family members are informed.

## THE ISRAEL-PALESTINE QUESTION

### INQUIRY—DEBATE ADJOURNED

**Hon. Marcel Prud'homme** rose pursuant to notice of December 13, 2004:

That he will call the attention of the Senate to the Israeli-Palestinian question and Canada's responsibility.

He said: Honourable senators, I have, of course, consulted our officers in order to be sure I do not make a mistake. I know that the mood of this chamber would have me ignore the clock and make my speech today. Having taken the floor with your permission, I would now ask that the debate be adjourned so that we can finish earlier. If there is unanimous consent, I wish to adjourn the debate on my own motion. I have been told that is the proper procedure.

On motion of Senator Prud'homme, debate adjourned.

• (1810)

[*English*]

## TRANSPORT AND COMMUNICATIONS

### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey** (*Deputy Leader of the Government*), for Hon. Joan Fraser, pursuant to notice of March 9, 2005, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet on Monday, March 21, 2005, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.



**ADJOURNMENT**

Leave having been given to revert to Government Notices of Motions:

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate do adjourn today, it do stand

adjourned until Monday, March 21, 2005, at 6 p.m., and that rule 13(1) be suspended in relation thereto.

**The Hon. the Acting Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Monday, March 21, 2005, at 6 p.m.

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# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, March 10, 2005

(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0			

### GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0			
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05
C-8	Bill C-8, An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07							



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology					
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications					
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0			
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce					
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07							
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 2, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 3, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0			

COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							
PRIVATE BILLS									
No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10							
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17							

# CONTENTS

Thursday, March 10, 2005

	PAGE
oyal Assent	
he Hon. the Acting Speaker	880

## ENATORS' STATEMENTS

betan National Uprising	
erty-sixth Anniversary.	
on. Jane Cordy	880
inding of Post-Secondary Education	
option of Resolution by Liberal Party.	
on. Wilfred P. Moore.	880

## OUTINE PROCEEDINGS

Canadian Landmine Fund	
03-04 Report Tabled.	
on. Bill Rompkey	881

ederal-Provincial Fiscal Arrangements Act (Bill C-39)	
ll to Amend—Report of Committee.	
on. Jane Cordy	881

rst Nations Fiscal and Statistical Management Bill (Bill C-20)	
port of Committee.	
on. Nick G. Sibbeston	881

aman Rights	
idget—Report of Committee on Study of International	
bligations Regarding Children's Rights and Freedoms Presented.	
on. A. Raynell Andreychuk	881
idget—Report of Committee on Study of Issues Related	
o National and International Obligations Presented.	
on. A. Raynell Andreychuk	882
idget—Report of Committee on Study of Cases of Alleged	
iscrimination in Hiring and Promotion Practices and Employment	
quity for Minority Groups in Federal Public Service Presented.	
on. A. Raynell Andreychuk	882
idget—Report of Committee on Study of Legal Issues Affecting	
on-Reserve Matrimonial Real Property on Breakdown of Marriage	
r Common Law Relationship Presented.	
on. A. Raynell Andreychuk	882

Internal Economy, Budgets and Administration	
ft Report of Committee Presented.	
on. George J. Furey.	883
ie Hon. the Acting Speaker	883

Canada-Europe Parliamentary Association	
etings of Parliamentary Assembly of Council of Europe,	
January 20-21, and January 24-28, 2005—Reports Tabled.	
on. Mac Harb	883

anking, Trade and Commerce	
Study on Charitable Giving—Notice of Motion to Authorize	
Committee to Extend Date of Final Report and to Retain	
ower to Publicize its Findings until January 31, 2006.	
on. Jeremiah S. Grafstein	883

Visitors in the Gallery	
ie Hon. the Acting Speaker	883

## QUESTION PERIOD

International Trade	
United States—Suggestion by Parliamentary Secretary	
for Canada-U.S. Relations to Embarrass Government	
on Trade Negotiations.	
Hon. Consiglio Di Nino	884
Hon. Jack Austin	884

The Cabinet	
Policy for Parliamentary Secretaries When Speaking	
for Government.	
Hon. Gerald J. Comeau	884
Hon. Jack Austin	885

Budget 2005	
Tax Disincentive with Regard to Carbon Dioxide Abatement.	
Hon. Donald H. Oliver.	885
Hon. Jack Austin	885

Privy Council Office	
Rejection of Appointment of Mr. Glen Murray as Chairman	
of the National Round Table on the Environment and Economy.	
Hon. Terry Stratton	885
Hon. Jack Austin	885

Canada-United States Relations	
Missile Defence Program—Documentation on Proposal.	
Hon. Noël A. Kinsella	886
Hon. Jack Austin	886

Privy Council Office	
Rejection of Appointment of Mr. Glen Murray as Chairman	
of the National Round Table on the Environment and Economy.	
Hon. Sharon Carstairs	886
Hon. Jack Austin	886

## ORDERS OF THE DAY

Department of Public Safety and Emergency Preparedness Bill	
(Bill C-6)	
Third Reading—Debate Continued.	
Hon. Anne C. Cools.	887
Hon. Bill Rompkey	887
Hon. Noël A. Kinsella	887
Hon. Jack Austin	888
Hon. Gerald J. Comeau	889

The Senate	
Select Committees Authorized to Meet During Adjournment	
of the Senate.	
Hon. Bill Rompkey.	890
Hon. Terry Stratton	890
Hon. Eymard G. Corbin.	890
Hon. Consiglio Di Nino	890

Criminal Code (Bill S-21)	
Bill to Amend—Second Reading.	
Hon. Anne C. Cools.	890
Motion in Amendment.	
Hon. Bill Rompkey	892
Hon. Terry Stratton	892
Hon. Anne C. Cools.	892
Hon. Céline Hervieux-Payette	892
Hon. Noël A. Kinsella	892
Referred to Committee	893

Business of the Senate	
Hon. Céline Hervieux-Payette	893



	PAGE		PAGE
<b>Criminal Code (Bill S-24)</b>		Hon. Serge Joyal . . . . .	907
Bill to Amend—Second Reading.		Hon. A. Raynell Andreychuk . . . . .	911
Hon. Sharon Carstairs . . . . .	893	Hon. Consiglio Di Nino . . . . .	912
Hon. John G. Bryden . . . . .	893	Hon. Sharon Carstairs . . . . .	912
Hon. Terry Stratton . . . . .	896	Hon. Paul J. Massicotte . . . . .	912
Hon. A. Raynell Andreychuk . . . . .	896		
Hon. Anne C. Cools . . . . .	897	<b>Budget 2005</b>	
Referred to Committee . . . . .	897	Inquiry—Debate Continued.	
		Hon. Ethel Cochrane . . . . .	913
		Hon. Bill Rompkey . . . . .	914
<b>Canada Elections Act (Bill S-22)</b>			
Bill to Amend—Second Reading—Debate Continued.		<b>Assassination of Lord Moyne and His Contributions</b>	
Hon. Terry M. Mercer . . . . .	898	to British West Indies	
Hon. Anne C. Cools . . . . .	899	Inquiry—Order Stands.	
Hon. Consiglio Di Nino . . . . .	899	Hon. Marcel Prud'homme . . . . .	915
Hon. Sharon Carstairs . . . . .	900		
Hon. A. Raynell Andreychuk . . . . .	900	<b>Colorectal Cancer Association of Canada</b>	
		Hon. Céline Hervieux-Payette . . . . .	915
<b>Boy Scouts of Canada (Bill S-27)</b>			
Private Bill to Amend Act of Incorporation—Second Reading—		<b>The Israel-Palestine Question</b>	
Debate Adjourned.		Inquiry—Debate Adjourned.	
Hon. Consiglio Di Nino . . . . .	901	Hon. Marcel Prud'homme . . . . .	915
Hon. Eymard G. Corbin . . . . .	901		
		<b>Transport and Communications</b>	
<b>National Security and Defence</b>		Committee Authorized to Meet During Adjournment of the Senate.	
Budget—Report of Committee on Study of National Security		Hon. Bill Rompkey . . . . .	915
Policy Adopted.			
Hon. Lowell Murray . . . . .	902	<b>Adjournment</b>	
Hon. Colin Kenny . . . . .	902	Hon. Bill Rompkey . . . . .	916
Hon. Terry Stratton . . . . .	903		
Hon. Noël A. Kinsella . . . . .	904	<b>Progress of Legislation</b> . . . . .	i
Hon. Jack Austin . . . . .	907		







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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

**Monday, March 21, 2005**

—

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Monday, March 21, 2005

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

### OFFICIAL LANGUAGES

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Official Languages have power to continue sitting while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

[Translation]

### SENATORS' STATEMENTS

#### INTERNATIONAL DAY OF THE FRANCOPHONIE

**Hon. Gerald J. Comeau:** Honourable senators, I am honoured and proud to pay tribute to International Day of the Francophonie, marked yesterday. This day is celebrated each March 20 and is an opportunity to introduce and promote the Francophonie, in addition to opening up Canada to the rest of the world.

The term "Francophonie" includes all the people who speak French and all the countries where French is used. The process to recognize the Francophonie began when the Agence de coopération culturelle et technique (now called the Agence de la Francophonie) was created in Niamey, Niger, on March 20, 1970. Initially, the agency represented 21 governments, including Canada, which was one of the founding members and which continues today to play a major role in this organization.

Quebec and New Brunswick are the only two Canadian provinces to enjoy participating government status. Today, the Organisation internationale de la Francophonie includes 63 states and governments on five continents, who share the French language and common values.

The heads of state and governments of the Francophonie meet every two years at a summit to discuss public policy for the Francophonie and to engage in dialogue on all major international issues of the day, on subjects of mutual concern in the political, economic and cooperative spheres.

The first summit, which Senator Lynch-Staunton and I had the honour of attending, was held in 1986 in Paris and the most recent in Ouagadougou, Burkina Faso, in 2004. The next one will take place in 2006 in Bucharest, Romania.

The Francophonie is an integral part of our national identity. All Canadians should be aware of its importance, both domestically and internationally. It enables us to share the vitality of Canada's French-speaking communities with the rest of the world and to discover the diversity of peoples on the international scene, a considerable asset and a source of creativity and energy. In addition, it enables us to build closer ties and enriching relationships on every continent.

Canada's participation in the Francophonie is part of our foreign policy and undeniably represents an incredible advantage and added value for all Canadians, since it gives us a window on the world. It enables us to develop partnerships and constitutes a promotional asset and an element of expertise for our nation.

In conclusion, being part of the Francophonie gives Canadians opportunities for international outreach in language, culture, politics and economics, and also provides access to new technologies and to international cooperation.

[English]

#### NATIONAL CURLING CLUB VOLUNTEER OF THE YEAR AWARD

#### CONGRATULATIONS TO MR. DELBERT COMEAU

**Hon. Terry M. Mercer:** Honourable senators, there are many things in my life that I hold dear to my heart, including the sport of curling and my work in the charity field. The sport of curling has long been a favourite of mine. I encourage you all to experience it first hand. It is fast becoming a cult phenomenon in Canada, and one of which I am proud to be part.

Many times in this chamber I have extolled the virtues of volunteerism and its profound influence on the social fabric of Canadian society. It is people helping people, because it is the right thing to do, not because it is the required thing to do.

I am pleased that both my favourite passions have played together this past month. On March 9, 2005, the President of the Canadian Curling Association, Barry Greenberg, announced the volunteer of the year award to Mr. Delbert Comeau of the Clare Curling Club in beautiful Meteghan, Nova Scotia.

Honourable senators, Mr. Comeau is the recipient of the National Curling Club Volunteer of the Year Award for the 2004 season. His efforts in the summer prior to the 2003-04 curling season were highly influential in completing major renovations to the Clare Club. Mr. Comeau helped to install a furnace to heat the ice area, and supervised the hosting of key events at the club during the 2004 Congrès Mondiale Acadien.



To quote the Canadian Curling Association:

Mr. Comeau has demonstrated exemplary devotion to the success of the Clare Club and its future.

I am very proud to add my congratulations to Mr. Comeau and the members of the Clare Curling Club for this prestigious honour.

Honourable senators, it is events like this that remind us that volunteering in any form is vital to our society. It teaches us to remember generosity and kindness, to promote volunteering often, and to encourage others to follow in the footsteps of the many volunteers that shape our caring society.

### INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

**Hon. Donald H. Oliver:** Honourable senators, today, March 21, is the International Day for the Elimination of Racial Discrimination. On this day in 1960, 70 peaceful demonstrators against apartheid were killed in Sharpeville, South Africa. Six years later, the United Nations declared this date the International Day for the Elimination of Racial Discrimination. Canada was one of the first countries to commemorate this day, which it has recognized since 1988.

• (1810)

My message today is that, unfortunately, racism remains alive and well in Canada. According to a study released today by Ipsos-Reid, roughly 4 million Canadians, one in six adults, have been recent victims of racism. Nearly 15 per cent of Canadians surveyed by Ipsos-Reid said skin colour makes a difference in their workplace. Seventeen per cent of those surveyed indicated that they think racism is on the rise in Canada. One in 10 respondents said they would not welcome people from another race as next-door neighbours. Thirteen per cent said they would never have a relationship with someone of another race.

Sadly, the facts indicate that racism, intolerance and race hatred are all painful realities in Canada today. To help end the racial prejudices that plague our society, nearly two years ago I commissioned the largest and most comprehensive study on visible minorities ever conducted in Canada. The report presents in detail the steps Canada must take to diversify its workforce, end systemic racism and implement what I call the "business case for diversity."

Essentially, honourable senators, the business case for diversity is a strategy that emphasizes how a diversity of cultures and opinions at all levels in the workplace can provide more creative solutions, enhance managerial decision-making and improve bottom-line results.

To conclude, ending racism and embracing diversity is precisely the message Her Excellency the Governor General gave in her annual statement to commemorate this day. She said:

Together, we have discovered the incredible richness and beauty that diversity brings to our national life.... Experience tells us that the battle against discrimination

requires continued vigilance, and that we must constantly promote greater understanding through education and dialogue. If we continue to respect our differences and draw strength from our diversity, we will remain a model of tolerance for the world to follow.

Honourable senators, I could not agree more.

### CANADIAN RED CROSS

**Hon. Catherine S. Callbeck:** Honourable senators, I rise to recognize the hard work and dedication of the members of the Canadian Red Cross. March is Red Cross Month. Throughout the years, the members of the Red Cross strive to alleviate the suffering caused by fighting in places overseas, and to offer assistance to those who have been struck by disaster. They are dedicated to improving the situation of the most vulnerable in Canada and around the globe.

The Red Cross can trace its beginnings to an Italian battlefield in 1859. A Swiss businessman, Henry Dunant, was horrified by the 40,000 dead and wounded left on the battlefield, and by the lack of medical services to care for them. In 1846, he and four other Swiss citizens organized an international conference — the first Geneva Convention — and adopted the internationally recognized symbol of the red cross.

The Red Cross has evolved into an organization that provides assistance to people around the world. The important role of the Red Cross was most recently seen in the aftermath of the devastating tsunami in Southeast Asia. Canadians across the country came together to help the Red Cross in its work. Indeed, in my province of Prince Edward Island, workers and volunteers quickly responded to the outpouring of care and generosity from Islanders. Including funding from the federal government's matching program, about \$1 million was raised on Prince Edward Island to assist in the relief efforts.

Our Red Cross workers sometimes give up the comforts of Canadian living in order to help those suffering abroad. They offer their time and energy here at home to prevent injury and death, and to ensure the well-being of children and adults through water safety, first aid and violence and abuse prevention programs.

Honourable senators, I ask you to join with me in recognizing and celebrating the many achievements of the Canadian Red Cross and to offer sincere best wishes for their efforts in this country and around the world.

### CANADA-UNITED STATES RELATIONS

#### BOVINE SPONGIFORM ENCEPHALOPATHY— CLOSURE OF BORDER TO CANADIAN CATTLE

**Hon. David Tkachuk:** Honourable senators, a week and a half ago, I read to you the names of U.S. senators who supported a resolution on March 3 in the U.S. Senate to keep the border closed to Canadian beef. The following are the U.S. senators who supported Canadian interests and its beef producers: Senators Alexander Lamar, Republican; Wayne Allard, Republican; George Allen, Republican; Robert Bennett, Republican;

Christopher Bond, Republican; Sam Brownback, Republican; Jim Bunning, Republican; Richard Burr, Republican; Lincoln Chafee, Republican; Saxby Chambliss, Republican; Tad Cochran, Republican; Norm Coleman, Republican; Susan Collins, Republican; John Cornyn, Republican; Jim DeMint, Republican; Mike DeWine, Republican; Elizabeth Dole, Republican; Bill Frist, Republican; Lindsey Graham, Republican; Chuck Grassley, Republican; Judd Gregg, Republican; Chuck Hagel, Republican; Orrin Hatch, Republican; Kay Hutchison, Republican; Johnny Isakson, Republican; Jon Kyl, Republican; Trent Lott, Republican; Richard Lugar, Republican; Mel Martinez, Republican; John McCain, Republican; Mitch McConnell, Republican; Lisa Murkowski, Republican; Pat Roberts, Republican; Rick Santorum, Republican; Olympia Snowe, Republican; Arlen Specter, Republican; Ted Stevens, Republican; John Sununu, Republican; James Talent, Republican; David Vitter, Republican; George Voinovich, Republican and John Warner, Republican.

Forty-three Republican senators voted for Canadian interests while four Democrats joined them — Senators Lincoln, Nelson, Pryor and Rockefeller.

Unfortunately, Senators Burns, Coburn, Craig, Crapo, Domenici, Ensign, Enzi, Inhofe, Shelby, Smith, Thomas, Thune and Sessions, shamefully Republicans, voted with the Democrats.

#### THE LATE METROPOLITAN WASYLY, PRIMATE OF UKRAINIAN ORTHODOX CHURCH OF CANADA, O.C.

**Hon. A. Raynell Andreychuk:** Honourable senators, I rise today to recognize the significant contribution made to Canada by Metropolitan Wasyly, Primate of the Ukrainian Orthodox Church of Canada, who passed away recently. As a community leader, parish priest and throughout his 20 years as the spiritual head for Ukrainian Orthodox Christians in Canada, Metropolitan Wasyly practised the values of tolerance, service and inclusiveness.

The citizens of Hamilton, where as a parish priest the late Metropolitan served for 29 years, saw firsthand these special qualities. As a father, husband and spiritual adviser, his contribution saw the strengthening not only of the Ukrainian-Canadian community but the larger Hamilton community.

Metropolitan Wasyly provided the temperament and vision to strengthen the church, not only at the parish level, but to facilitate its evolution as a nationally and internationally recognized body on matters of faith and ecumenical cooperation. His work can be seen in the Eucharistic union with the Patriarchate of Constantinople in 1990, through the Canadian Council of Churches, and in his participation in creating the Conference of Orthodox Bishops of Canada and an Orthodox-Roman Catholic dialogue in Canada.

In 1993, he led a delegation to visit Ukraine, and felt it his duty to contribute to the establishment of one recognized local Orthodox Church. He was uplifted to see his ancestral homeland choosing an open and democratic form of society.

Many honours were bestowed on him including honorary doctorates from St. Andrew's College and the Ukrainian Free

University in Munich, the Shevchenko Medal from the Ukrainian Canadian Congress and the highest civilian honour this country can bestow, Officer of the Order of Canada.

We remember him for his very special way in contributing to the betterment of our community, and to the larger Canadian society. For this we are thankful for a life well lived. May his memory continue.

[Translation]

#### QUEBEC GAMES

**Hon. Jean-Claude Rivest:** Honourable senators, Canada is scrutinizing its performance at the Olympics, and rightly so. A review of the Canadian government's policies and approach to our athletes is called for.

One of our pages, David Bosquet of Saint-Hyacinthe, commented to me that people often wondered why Quebecers had for many years been successful in bringing an impressive collection of gold, silver and bronze medals back to Canada, in both winter and summer Olympics. The answer is the Quebec Games. Forty years ago, and I must draw attention to this anniversary, the Quebec Games were begun, bringing together for winter and summer events young people under the age of 18 from various regions to compete in true Olympiad style. As a result, our youth and the entire Quebec community have developed an awareness of the importance of the Olympic movement, with all of its attendant values, as well as of the necessity for young people to be involved in physical education.

• (1820)

This year, Saint-Hyacinthe hosted the finals of the 40th winter Quebec Games. These games are of importance not only to Quebecers but to all Canadians. I would remind you that most of the Olympic medallists from Quebec in recent years started out winning at the Olympic-style games organized in Quebec. This initiative dovetails very well with the interest that the Canadian people must show interest not only for the Olympic movement, but for physical activity in general.

It is important to congratulate all of the organizers, all the volunteers and all the athletes involved in the Quebec Games which were held in Saint-Hyacinthe at the end of February this year, as well as all those who have been involved over the past 40 years in this worthwhile initiative, which has been of such benefit to Quebec and to Canada.

[English]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in our gallery of Juliana Lynch-Staunton, the wife of Honourable Senator Lynch-Staunton; as well as Connor Lynch-Staunton, Ms. Lynch-Staunton and Senator Lynch-Staunton's grandson. On behalf of all honourable senators, I bid you both welcome to the Senate of Canada.



## ROUTINE PROCEEDINGS

### HERITAGE LIGHTHOUSE PROTECTION BILL

#### REPORT OF COMMITTEE

**Hon. Wilbert J. Keon**, for Senator Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Monday, March 21, 2005

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### TENTH REPORT

Your Committee, to which was referred Bill S-14, An Act to protect heritage lighthouses, has, in obedience to the Order of Reference of Tuesday, November 2, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

WILBERT J. KEON  
*Deputy Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Forrestall, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

#### THE SENATE

#### NOTICE OF MOTION TO EXTEND ADJOURNMENT TIME ON MARCH 23, 2005

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate of November 2, 2004, when the Senate sits on Wednesday, March 23, 2005, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, March 23, 2005, be authorized to sit even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3), that committees of the Senate scheduled to meet on Thursday, March 24, 2005, be authorized to sit even though the Senate may then be adjourned for a period exceeding one week.

[Translation]

### CANADA SHIPPING ACT CANADA SHIPPING ACT, 2001 CANADA NATIONAL MARINE CONSERVATION AREAS ACT OCEANS ACT

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-3, to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

#### INTERNATIONAL DEVELOPMENT ASSISTANCE

#### NOTICE OF MOTION URGING GOVERNMENT TO MEET COMMITMENT

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada calls upon the Government of Canada to establish a specific timetable that will enable Canada to meet its longstanding commitment to provide 0.7 per cent of its Gross National Income as official international development assistance; and

That this Senate of Canada calls upon the Government of Canada to provide funds, within the budgetary process, to achieve this objective at the latest by the year 2015, beginning with an immediate 100 per cent increase in official development assistance in the next fiscal year.

## QUESTION PERIOD

#### CITIZENSHIP AND IMMIGRATION

#### INTERCEPTION OF FRAUDULENT DOCUMENTS

**Hon. A. Raynell Andreychuk:** Honourable senators, on March 16, 2005, *The Globe and Mail* reported that fake identity documents are flooding into Canada, taking the form of:

Fake passports hidden inside books, fraudulent identity documents tucked inside Christmas cards and blank letterhead that could be used to misrepresent educational qualifications...

A Citizenship and Immigration Canada document obtained by Vancouver immigration lawyer Richard Kurland through an access to information request shows that between 1995 and 2000 more than 4,000 pieces of mail and courier packages were seized and that a huge number of fake documents, mostly from China, were recovered.

Does the government have an estimate of the number of fake documents that are not being intercepted and are making their way into the hands of fraudulent claimants? In other words, is the government tracking this issue?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will make inquiries and provide a delayed answer.

**Senator Andreychuk:** Further, is the government aware that there is an increasing number of fraudulent identity documents being used in this manner and what corrective measures has it taken?

**Senator Austin:** Honourable senators, I will add that information to the delayed answer.

• (1830)

## THE ENVIRONMENT

### KYOTO PROTOCOL— GREENHOUSE GAS ABATEMENT STRATEGY

**Hon. Donald H. Oliver:** Honourable senators, last week's media reports indicated that the federal government has been warned that the cost to meet its Kyoto targets could exceed \$10 billion and that the necessary emissions reductions could be 30 to 60 megatons higher than initially forecast.

Could the Leader of the Government in the Senate please explain to honourable senators the implications of these new figures and what effect they will have on the government's greenhouse gas abatement strategy?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the government will announce its Kyoto plan to deal with its international obligations which were entered into by Prime Minister Mulroney and detailed by the government of Prime Minister Chrétien. In the meantime, I would be most interested if Senator Oliver would tell of his own position with respect to Kyoto.

**Senator Oliver:** I was wondering if the leader could answer the question and indicate when we will know the government's position. When will he table it?

**Senator Austin:** It would be very helpful to know the official opposition's position, but in any event, we will present the Kyoto plan in this session, prior to June of this year.

**Senator Oliver:** Last week, the federal government indicated that it will move shortly to impose regulations to force heavy industries to cut their greenhouse gas emissions. Federal Environment Minister Stéphane Dion stated that the regulations will be imposed without further consultation, and they will not be up for negotiation.

Alberta Premier Ralph Klein, in response to Minister Dion said that companies in Alberta are interested in reducing greenhouse gas emissions, that they are using best efforts to bring down those emissions, but that to come out with statements that are overbearing serves no useful political purpose.

Alberta's Energy Minister Greg Melchin also said that Albertans were told that they would be partners with the federal government, and that they hope they will not be silent partners in the discussions on this issue.

My question for the Leader of the Government in the Senate is, as this issue touches on the very delicate matter of federal-provincial relations, what response can he give to the concerns raised by the Government of Alberta with respect to the unilateralist tone of Minister Dion's remarks?

**Senator Austin:** Honourable senators, I do not agree that Minister Dion is either speaking or behaving in a unilateral fashion. Extensive consultations have gone on, and are going on, with respect to the provinces and other interest groups including the automobile industry.

It is the view of the government that meeting Kyoto targets and having a thriving auto industry are not mutually exclusive ambitions. However, with respect to the interests of the Province of Alberta, the government remains firm in seeking a 25 per cent improvement in auto efficiency by 2010.

## HEALTH

### MEETING WITH UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES— SALE OF PRESCRIPTION DRUGS— HANDLING OF COX-2 INHIBITORS

**Hon. Wilbert J. Keon:** My question is for the Leader of the Government and is regarding the meeting between the U.S. Health Secretary and our Minister of Health.

Last week, as honourable senators know, a meeting occurred between our Minister of Health and the Health and Human Services Secretary of the United States, Mr. Michael Leavitt. One issue discussed at the meeting concerns Internet sales of Canadian prescription drugs to American consumers. The Health Minister says that his American counterpart did not put any pressure on him to stop this practice, but he has not revealed their exchange in detail.

My question of the Leader of the Government is this: Does the Prime Minister's office expect that this issue will be discussed when the Prime Minister meets with the President this week?



**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am not in possession of that information.

**Senator Keon:** Honourable senators, prior to the meeting, our health minister said he intended to raise the issue of reforming the drug regulation system with his American counterpart. Since the controversy surrounding the arthritis drug Vioxx began last fall, the health minister has promised to change Health Canada's drug approval and monitoring process.

Both the U.S. Food and Drug Administration and Health Canada have been criticized for their handling of Vioxx and other Cox-2 inhibitor drugs. Could the Leader of the Government in the Senate also inquire about results of this particular dialogue between the health ministers?

**Senator Austin:** I will make those inquiries and reply in the form of a delayed answer.

[Translation]

## FINANCE

### BUDGET— INCREASE IN FOREIGN CAPITAL INVESTMENT

**Hon. Madeleine Plamondon:** Honourable senators, the budget recently adopted in the House of Commons included a measure that worries me a great deal. It was a measure that would allow Canadian pension fund administrators, benefiting from tax advantages for the Canadian taxpayer, to invest all of the funds outside Canada.

Can the Leader of the Government tell us what studies were used as a basis for implementing a measure that imposes such radical changes, increasing the foreign investment of Canadians' savings from 30 per cent to 100 per cent?

[English]

**Hon. Jack Austin (Leader of the Government):** I wonder if Senator Plamondon is inquiring with respect to investments made for pension purposes outside of Canada.

[Translation]

**Senator Plamondon:** As a member of the Standing Senate Committee on Banking, Trade and Commerce, I can tell you that, a few years ago, the decision was made to increase the foreign investment limit from 20 per cent to 30 per cent, whereas now it is going from 30 per cent to 100 per cent. Could American companies in Canada, for example, decide to invest pension funds in the United States, and as a result we would no longer have control over Canadians' savings?

[English]

**Senator Austin:** Honourable senators, I can only repeat what the Minister of Finance has said in his budget statements, and I would be very happy to draw to the attention of Senator Plamondon those aspects that respond to her question.

[Translation]

**Senator Plamondon:** Are there documents justifying such a change? Were any studies conducted? Will this matter be referred to the Standing Senate Committee on Banking, Trade and Commerce for its consideration? Could you table the documents justifying such a decision?

[English]

**Senator Austin:** Honourable senators, the budget implementation bill will be brought before the other place, and after due consideration, I presume that Senator Plamondon will be able to inquire of officials in the Department of Finance or of the Minister of Finance with respect to the basis on which that decision was taken by the Minister of Finance.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table three delayed answers. The first is a response to a question raised in the Senate on December 13, 2004, by Senator Prud'homme concerning the members of the delegation accompanying the Prime Minister to Libya.

[English]

I have a second delayed answer to a question raised in the Senate on February 15, 2005, by Senator Angus regarding the Canada Pension Plan influence on investment markets; a final delayed answer to an oral question raised in the Senate on March 10, 2005, by Senator Kinsella regarding ballistic missile defence.

## FOREIGN AFFAIRS

### LIBYA—VISIT BY PRIME MINISTER— MEMBERS OF DELEGATION

*(Response to question raised by Hon. Marcel Prud'homme on December 13, 2004)*

As honourable senators are aware, Prime Minister Paul Martin visited Tripoli, Libya on December 19 and 20, 2004, on the one year anniversary of Libya's decision to end its weapons of mass destruction development program and provide full access to the country by the relevant international inspection bodies. He was the first Canadian Prime Minister to visit Libya.

The Honourable Pierre Pettigrew, Minister of Foreign Affairs, Dan McTeague, Yasmin Ratansi, and Paul Szabo, from the Liberal Party of Canada, Kevin Sorenson, from the Conservative Party, and Michel Guimond, from the Bloc Québécois, comprised the six parliamentary delegation that accompanied the Prime Minister.

## FINANCE

CANADA PENSION PLAN—  
INFLUENCE ON INVESTMENT MARKET

*(Response to question raised by Hon. W. David Angus on February 15, 2005)*

- Budget 2005 announced the elimination of the application of the foreign property rule to all Canadian pension plans, including the Canada Pension Plan Investment Board (CPPIB), as well as Registered Retirement Savings Plans and Registered Retirement Income Funds. Once the budget implementation bill receives Royal Assent, the CPPIB will no longer have to invest 70 per cent of its assets in Canadian securities. This should allay concerns that the CPPIB might become too dominant in Canada's markets in the future.
- The CPPIB cannot become a majority shareholder of any Canadian company. As with other pension funds subject to federal legislation, the CPPIB cannot hold more than 30 per cent of the common shares of any single corporation.
- Moreover, even with a 30 per cent foreign property limit, projections of the CPPIB's growth and that of Canada's equity markets do not suggest that the CPPIB could ever become a significant shareholder in large Canadian companies. According to the latest report of the Chief Actuary, the assets of the CPPIB are projected to grow from \$77 billion today to \$322 billion by 2020. Assuming that Canada's equity markets grow by a modest 5 per cent per year over this period, the CPPIB's share of the domestic equity market would increase from 1 per cent to only 3 per cent.
- As regards to the appointment of directors to the CPPIB, a rigorous merit-based selection process is set out in legislation to ensure that the members of the board have the requisite experience to oversee the corporation and are independent of governments. The process is as follows:
  - A federal-provincial nominating committee, comprised of one member from each participating province and the Government of Canada, identifies qualified candidates for the board with the aid of an executive search firm.
  - The nominating committee submits a short list of candidates to the Minister of Finance for consideration.
  - The Minister of Finance consults with participating provinces prior to making a recommendation to Governor-in-Council on director appointments.
- This process is consistent with the merit-based appointment process for Crown corporations announced by the Government of Canada in March 2004.

## CANADA-UNITED STATES RELATIONS

MISSILE DEFENCE PROGRAM  
DOCUMENTATION ON PROPOSAL

*(Response to question raised by Hon. Noël A. Kinsella on March 10, 2005)*

As you are well aware, the government has informed the United States that we will not be joining them in their missile defence system. This decision was made based on an assessment of Canada's national interests and priorities.

We accept that in the face of ongoing proliferation, defensive measures can be a prudent complement to non-proliferation, arms control and disarmament efforts. The decision not to participate should not be taken as criticism of the United States. The United States has weighed the anticipated danger to its citizens and territory against available resources, and has decided to proceed with deployment of a missile defence system. We respect and understand the decision of the United States to take measures it considers essential to ensure its security.

This was why last August we agreed to amend the NORAD Agreement to allow the US missile defence commands access to NORAD's long standing missile warning function.

However, like the United States, Canada made its own decision on this issue based on our national interests and priorities. The government will focus on other defence and security priorities. The government has a responsibility to determine where the most pressing and immediate threats lie, and must decide which investments will bring the greatest tangible results.

With this in mind, we are continuing to strengthen our cooperation with the United States in other aspects of the defence of North America, including border and maritime security.

The government recently announced a significant boost to funding of nearly \$13 billion over 5 years for the Canadian Forces. This delivers on the commitment to expand the Canadian Forces by 5,000 additional troops and 3,000 new reserves. This will significantly enhance Canada's military capabilities, and enable them to engage overseas more effectively in support of our foreign policy goals. The new funding is a mark of our determination to transform the Canadian Forces, so that they are better structured to respond to the new asymmetric threat environment, at home and abroad. Furthermore, the government also made a commitment of \$500 million over the next five years to address global peace and security.

We will continue our efforts to enhance the protection of North America, as set out in the New Partnership Statement that President Bush and Prime Minister Martin announced on November 30. We have allocated more than \$400 million to border security and we will work closely to build on the



success of Smart Borders, and engage Mexico to strengthen our defence and security framework so that we better align our roles, priorities and interests. The upcoming meeting between the Prime Minister and the United States will address exactly such issues.

We continue to be concerned about the proliferation of weapons of mass destruction and their means of delivery. But our preferred approach to the missile threat is prevention. Through diplomatic engagement and non-proliferation, arms control and disarmament efforts we are seeking to reduce or eliminate this threat. We are working to increase the understanding of and the adherence to the principles of the Missile Technology Control Regime, as well as to strengthen international safeguards and verification. Canada has also been leading efforts at the UN Conference on Disarmament to launch talks, without any preconditions, on how the international community can keep outer space weapons-free.

Canada remains a committed partner with the United States on security — whether on our continent through NORAD and the Smart Borders program, or internationally in Afghanistan, Haiti, Iraq and the Middle East.

• (1840)

## ANTI-TERRORISM ACT

### BUDGET— REPORT OF SPECIAL COMMITTEE PRESENTED

Leave having been given to revert to Reports of Standing or Special Committees:

**Hon. Joyce Fairbairn**, Chair of the Special Senate Committee on the Anti-terrorism Act, presented the following report:

Monday, March 21, 2005

The Special Senate Committee on the Anti-terrorism Act has the honour to present its

### SECOND REPORT

Your Committee, which was authorized by the Senate on Monday, December 13, 2004 to undertake a comprehensive review of the provisions and operation of the *Anti-terrorism Act*, (S.C. 2001, c.41), respectfully requests the approval of funds for fiscal year 2005-2006.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN  
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 597)

[ Senator Rompkey ]

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I would ask that we call the bills under government business in the following order: First, Bill C-39, the health accord, followed by Bill C-20, First Nations Fiscal Management, then Bill S-18, Statistics, followed by Bill C-6, Public Safety, Bill C-8, Public Service, and Bill C-33, budget implementation.

### TAX CONVENTIONS IMPLEMENTATION BILL, 2004

#### MESSAGE FROM COMMONS

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill S-17, to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion, and acquainting the Senate that the Commons had passed this Bill, without amendment.

### FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

#### BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

**Hon. Sharon Carstairs** moved third reading of Bill C-39, to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment.

She said: Honourable senators, I thank the members of the Standing Senate Committee on Social Affairs, Science and Technology, ably chaired in this instance by Senator Keon, for dealing with this bill. We had a number of officials from both the Department of Finance and the Department of Health.

I want to put on the record that clearly the major concerns that were raised by Senator Keon, despite his strong support for this bill, remain the concerns that we have with respect to this bill, and that is, will this infusion of cash bring about the transformative change within the delivery of health care in Canada that we all know is so very necessary?

We all understand the constitutional relationships on the matter of health. We all know the limitations upon the federal government in the imposition of clear accountability. However, there is a genuine desire on the part of all senators connected with health care to see that transformative change take place. We

recognize the need to make a genuine movement towards primary care, and we need to see more process with respect to the construction of long-term, personal care beds so acute care beds are not being used by those who would be better placed elsewhere. We recognize the need for a fundamental move to home care and, from my perspective, of course, for better delivery of palliative end-of-life care.

Honourable senators, I put my faith in the review that is to be conducted by Parliament in 2008 and in 2011. That will be done, I would presume, by the Standing Senate Committee on Social Affairs, Science and Technology because there is no more knowledgeable group of parliamentarians with respect to the future of health care than those parliamentarians who sit on that committee on behalf of this chamber. I know that if the kind of changes that are envisaged do not occur, then it will be the Social Affairs Committee of the Senate of Canada that will put the feet to the fire.

On motion of Senator Keon, debate adjourned.

## FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT BILL

### THIRD READING

**Hon. Ross Fitzpatrick** moved third reading of Bill C-20, to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts.

He said: Honourable senators, I am pleased tonight to be able to speak at third reading of Bill C-20, the First Nations Fiscal and Statistical Management Act, because this legislation, initiated and championed by First Nation leaders, will enable First Nations to take greater control of social and economic development in their communities.

Bill C-20 will provide participating First Nations communities with many of the fiscal and statistical tools long used by local governments to finance infrastructure, foster economic development and improve quality of life.

Honourable senators, Manny Jules, a former chief of the Kamloops First Nation, was a principal architect of this legislation. He summed up the root causes of economic isolation very eloquently when he said:

Today, a wall surrounds First Nation economies. It is a wall of mistrust and dependency that traps us in our own poverty. Each additional year of dependency is another brick in this wall. This wall has not served Canada well. It has prevented us from participating in the economy.

I am pleased to say that Bill C-20 will enable First Nations communities to dismantle the wall to which Manny Jules referred. The approach to development articulated in the legislation before us today was designed, tested and refined by First Nations leaders.

The legislation proposes to establish three institutions with the needed mandates and legal status to support effective property tax and bond financing regimes for First Nations. The First Nations Tax Commission will help participating First Nations implement fair and transparent property tax regimes that balance the interests of taxpayers and the community. The net result of these actions will be a secure and stable fiscal environment.

The proposed First Nations Finance Authority would provide participating First Nations that meet strict requirements with the access to private capital currently available to other governments. The result is that the cost to First Nations of long-term borrowing could be reduced by 30 to 50 per cent, and it is expected that up to \$125 million of private capital could be raised over the first five bond issues.

To ensure that the property tax and bond regimes thrive over the long term and to provide investors with much needed certainty as to the financial health of First Nations, Bill C-20 will establish the First Nations Financial Management Board. The board will certify First Nations financial management systems, practices and standards, thus safeguarding the interests of borrowers and investors alike.

Honourable senators, the fourth institution proposed in Bill C-20 will provide another element vital to the success of any government: accurate and relevant information. The Statistical Institute will ensure that community leaders have access to the relevant data and analysis that they need to make sound decisions that serve the interests of their communities.

Together, the four independent yet complementary institutions established under Bill C-20 would give First Nations communities an opportunity to exercise more control and derive greater benefit from economic development.

Some opponents to Bill C-20 have raised concerns about the constitutionality of the bill, fearing that it will affect their Aboriginal and treaty rights. This could not be further from the truth. The preamble of the bill makes it clear that nothing in the bill affects the ability of any First Nation to negotiate self-government in accordance with the terms of the government's inherent right policy. The bill also contains a non-derogation clause which further protects aboriginal and treaty rights.

• (1850)

Honourable senators, I support this legislation for three primary reasons. First, it will help close considerable gaps that continue to exist between First Nations and other communities in Canada. Second, Bill C-20 is First Nation-led. The development of this bill has been guided by the vision, determination, skills and personal commitment of First Nation leaders, along with input from industry specialists. Third, Bill C-20 is optional. The bill recognizes that First Nations have great diversity of goals and aspirations and that they may see different paths to attaining these goals.

Honourable senators, Bill C-20 is good legislation, and I urge you to join with me in supporting it.



[Translation]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, I wish to speak at this third reading stage of Bill C-20. This is a long-awaited measure, and likely the most important bill relating to Aboriginal peoples that has been introduced in Parliament in the past five years.

[English]

Bill C-20 is the result of the evolution in thinking and law making that arose out of the actions taken by the Mulroney Conservative government in the mid-1980s. Bill C-20 builds on those Conservative principles and legislative actions empowering First Nations to achieve greater economic self-sufficiency and political autonomy. Bill C-20 allows First Nations to create hope for their people. It empowers First Nations by enhancing their fundraising capacity, through taxation of leasehold interests on reserve lands, to pool their resources and borrow at lower interest rates so they can build roads, water and sewer services and other infrastructure projects, which experience in non-Native communities has shown will lead to outside interests investing in their communities.

Honourable senators must recognize that this bill and this idea were brought forward by the Aboriginal communities themselves. We must give them full credit for this initiative.

The fiscal institutes provide for real property tax bylaw approval processes, establishment of financial standards and issuance of bonds to raise long-term private capital at preferred rates. The appointed boards are to be constituted with a majority of credible and qualified First Nations directors.

Bill C-20 is all about making First Nations part of the Canadian economy. The concept and the legislative proposals have been discussed six times at the Assembly of First Nations. The bill will stop First Nation taxation revenues from going to municipalities, provinces and the federal government. First Nations will be able to plan for their future and move forward at their own pace.

The bill will create systems and institutions that will enable self-government. Until Parliament establishes self-government legislation and an institute to assist First Nations in becoming self-governing, Bill C-20 will go some distance toward rectifying the situation by bringing fiscal resources to the table. First Nations cannot be self-governing if they cannot be fiscally self-reliant.

Bill C-20 allows First Nations to invest their revenues in a manner akin to other governing bodies. It gives First Nations government revenue. The problem with the Indian Act is the fiduciary aspect. First Nations must wait for others to make a decision and transfer meagre resources. As one chief recently put it, "Typically what the government does is give us \$10 to do \$100 worth of work."

The alternative to these institutes is the status quo. This cost of doing nothing is too high. No land is mortgaged with this system. Generally First Nation communities use money derived from

taxing leasehold interests on reserve lands to finance programs and services not provided by Canada. As a matter of policy, where there are non-Native leaseholders on reserve, the government does not pay for infrastructure development. Bill C-20 is a vast improvement over the government's earlier versions of this bill.

Previously, the enabling aspect to opt in was simply not there. Now, First Nations communities wanting to put taxation measures in place are given the choice of whether to do so under the Indian Act or the more comprehensive scheme of Bill C-20.

While the fiscal institutes will be fully optional, the First Nations Statistical Institute will be able to carry out its work functions with all the First Nations communities, including the majority that are not involved with the fiscal institutes.

Even though non-scheduled bands will not benefit from a statutory entitlement to avail themselves of the advisory or counselling services and functions of the institutions created by Bill C-20, officials did say in response to senators' questions that equivalent parallel services would remain available on a non-statutory basis to non-participating communities through Indian Affairs and Northern Development and other agencies. Put simply, the minister would sign a contract with the institutes to provide services to these bands. That said, some First Nations communities remain concerned that the department may pressure them to opt in to gain access to major capital project financing.

It is true that support for the legislation has been uneven across the country. This is largely because about only 110 First Nations collect property tax today, and these groups are located mostly in British Columbia and Alberta. I suspect that will change in time.

The Standing Senate Committee on Aboriginal Peoples has determined that the deficiencies raised during examination of the bill did not warrant rejection or amendment. The committee did, however, preface their clause-by-clause review by putting on the record a summary of the principal concerns raised in testimony. The first concern was about the optional nature of each of the proposed institutes. The committee was reassured that all elements of Bill C-20 are optional. The second concern was that there should be a referendum process instead of a simple band resolution to opt in. The committee acknowledged that business decisions cannot always wait for referendum. Some First Nations expressed apprehension that the bill will undermine rights and certain benefits that First Nations now have, benefits that flow from the Indian Act and general fiduciary programming of the federal government. To counter this possibility, a non-derogation clause has been added in clause 3.

There was a desire to take the statistical institute out of Bill C-20 and put it in a stand-alone bill. Officials for the statistical institute informed the committee that the provision of any new information is optional, that the level of protection is greater today, that section 147 and section 152 regarding privacy have been amended and that this institute would be scheduled in the Privacy Act.

The committee has satisfied itself that these matters will not jeopardize First Nations whether or not they choose to opt in.

The committee believes that the benefits seem to outweigh any unintended and unforeseen consequences and, of course, the statute will be reviewed within seven years, thus providing sufficient time to correct any arising deficiencies. Expert witnesses expressed the hope to have a review within three years.

The Aboriginal communities that come under this legislation need to know that they are getting good value, so when the mandated review is undertaken it might be prudent to seek the Auditor General's input.

Honourable senators, with respect to examination and consultation, there have been four Senate Aboriginal Peoples Committee hearings on the bill and the legislation has been considered three times in the other place. While approximately 50 bands do not support the bill, over 100 bands do. Many others are not yet in a position to take advantage of it, and others will simply choose not to opt in. There have been years of consultation and debate in the public forum involving the Assembly of First Nations, the B.C. First Nations Summit, the Union of Ontario Indians, the Atlantic Policy Congress, numerous individual First Nations and non-Aboriginal governments. Private sector companies and the Canadian Property Taxpayers Association are in favour of Bill C-20.

I believe, honourable senators, that the Senate should also support Bill C-20. In doing so, the Senate continues the work begun as established by the government policies set out during the 1980s. The Senate recognizes and affirms the evolutionary process of self-determination, self-sufficiency and self-governance.

• (1900)

The right of Aboriginal peoples to self-direction requires that they control internal matters that are necessary for the survival and functioning of a collective entity, and that they control the manner in which their society adapts to external influences.

In a news release of March 14, 2005, the federal government said that communities are engines for economic growth, and the key to Canada's ability to compete effectively in the 21st century, and that the government must be committed to help communities compete for investment from around the world.

Investments help communities achieve their potential, ensure their viability and improve quality of life for Aboriginal people in Canada.

Honourable senators have heard the references of Senator St. Germain to the Harvard Project and the three critical ingredients necessary for First Nations to produce sustainable productive economies. When these three elements of jurisdiction, capable governance and culturally appropriate institutions are working together, the chances of development appear to increase dramatically. When these are in place, the other assets such as education, natural resources, access to capital and the community's location begin to pay off. Where those things are not in place, those assets are likely to be wasted.

Bill C-20 provides another asset for First Nations to create their own sustainable and productive economies. The proposed legislation is not a cure-all for the problems that face First Nations, nor will it be a viable option for many First Nations; however, it can be a better alternative to the status quo, allowing several First Nations to achieve a better quality of life.

Honourable senators, we must stand for prudence and progress. We must not stand for the status quo. Let us be lawmakers who support economic and social progress for Canada's First Nations citizens.

**Some Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

## STATISTICS ACT

### BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Losier-Cool, for the third reading of Bill S-18, to amend the Statistics Act;

And on the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Cochrane, that Bill S-18 be not now read a third time but that it be amended in clause 1, on page 1, by replacing line 8, with the following:

"between 1910 and 1918 is no longer subject to".

**Hon. Lorna Milne:** Honourable senators, I wish to take a very brief moment to say a few words about Bill S-18 and the amendment that was proposed by Senator Comeau. I apologize for the fact that I was not in the chamber when third reading debate began, but I was in Alberta with the Energy Committee at the time.

Honourable senators have heard from me on this subject on previous occasions. This is an issue that is dear to me and I will not go into great length again as to why.

My firm belief is that the historic census records are a vital part of Canada's history. They are the only record of all Canadians in their family groups. As such, they are critical to historians.



The amendment of Senator Comeau would prevent the government from releasing records for every census taken between 1918 and 2005. He is of the opinion that a promise was given to Canadians that their census information would be kept private for all time. This specific issue has been thoroughly studied. The government is confident that this bill does not breach any promise given to Canadians.

The government appointed former Supreme Court Justice Gérard La Forest, a noted privacy advocate to lead an expert panel that studied this issue. The panel found that no promise of the kind that Senator Comeau referred to had ever been made. The Standing Senate Committee on Social Affairs, Science and Technology has also studied opinions from the Department of Justice that confirmed this view.

Finally, regulations have the force of law and the regulations governing the censuses have repeatedly stated that individual census returns would become part of the public record. The regulations specifically state that the records would be "stored in the archives of the Dominion." Canadians well know that all material that is stored in our archives eventually becomes public, even cabinet documents.

Honourable senators, given the importance of these documents to the historical and genealogical community, and given the report of the expert panel on this issue, I urge you to defeat the amendment and to pass the bill.

**Hon. John Lynch-Staunton:** Would the honourable senator allow a question or two?

**Senator Milne:** Certainly.

**Senator Lynch-Staunton:** Honourable senators, there is only one aspect of this bill that I find attractive and that I will support as long as the answers to my questions are reassuring, what is known as the opt-in clause; that is, on future census forms, there will be a section, sentence or part of a form to the effect that if the individual filling out the form wants the information to be made public after a certain period of time, the individual must so indicate. If there is no indication, then that information remains secret forever.

Will that request be formulated and how will that be done? Will it be straightforward: "I agree that this information can be made public after 92 years," or will there be editorial comment as to the advantages or disadvantages of having that information released?

**Senator Milne:** I must tell the honourable senator that I do not have anything to do with drawing up the census form, so I am not sure what the final form will be. I have been told that there will be a box that can be ticked. If an individual does not fill in the box, the census information will never be released. If the individual fills in "no", the census information will never be released.

I am trying to remember what the census form looks like. I do not think there is too much by way of explanatory note. As this is a new question for our Canadian census forms, Dr. Ivan Fellegi intends to try to do a certain amount of public information in advance, but I do not think that information will be on the form. That is the best answer I can you.

**Senator Lynch-Staunton:** Unlike negative billing, you will have to indicate. If you do not indicate, then nothing happens.

I am referring to the last bulletin of the Canadian Historical Association, volume 31.1.2005, in which a press release dated November 2, 2004 says that

Statistics Canada, in conjunction with Library and Archives Canada will, as part of the 2006 census public communications campaign, encourage Canadians to allow future access to their census records to preserve Canada's history for future generations.

I am sorry I could not attend the committee meeting, but some of us have problems being at several committees at the same time. I was sorry to see that this subject was not brought up during the committee meeting.

• (1910)

I read here that the Government of Canada will encourage people to indicate a preference in favour of releasing the information. Those who are against that release will not have the same opportunity.

Certainly, it was not the intent of Parliament that, by voting for this bill, which is strictly a choice made by an individual, that choice can be influenced by Statistics Canada in conjunction with Library and Archives Canada as part of the census process to release the information.

I would like to ask Senator Milne, as a strong supporter of this bill, whether she agrees that this strategy is in line with the intent of the bill, which is to give an independent, uninfluenced choice to the individual who is filling out the form.

**Senator Milne:** It is my understanding that the campaign beforehand will be to educate Canadians as to what it means if they say no and what it means if they say yes, so they will have that choice.

**Senator Lynch-Staunton:** I intend to speak to this in due course. I will quote more fully from this press release, but the trouble is that it does not suggest that the government will explain the alternatives. It will:

...as part of the 2006 Census public communications campaign, encourage Canadians to allow future access to their census records to preserve Canada's history for future generations.

There is nothing saying that the disadvantage of doing that is that you may be releasing information asked for on the long form that you would rather not have released.

The government is saying in this press release of last November that it will do all it can to convince Canadians to have the information released, which I find highly irregular. I would like Senator Milne to look into this matter. I hope she would agree that this is not the way government should operate.

I am reminded of the Minister of Immigration who, when asked some time ago why the immigration appeal boards had not been created after the law had been amended allowing it, said that that was just an indication of Parliament, just a wish list to which he was not bound. There was no deadline; therefore, he might not do it.

I fear that we are repeating the same thing here by saying this bill provides that you have the choice but the government is telling us we will ensure the choice is to our liking. Does Senator Milne agree with that process?

**Senator Milne:** Since I have not seen the publication that Senator Lynch-Staunton is reading, and since it does not appear to be a government publication, I cannot tell what the government will do in the future from a third-hand account.

**Senator Lynch-Staunton:** The publication is the Canadian Historical Association Bulletin, which quotes a press release from Industry Canada on behalf of Statistics Canada. However, I will be glad to quote fully from that press release and from other documentation to try to convince senators we are going down the wrong path. In the meantime, I move adjournment of the debate.

**Hon. Jack Austin (Leader of the Government):** Might I inquire of Senator Lynch-Staunton when he intends to make his contribution?

**Senator Lynch-Staunton:** As soon as I can, honourable senators.

On motion of Senator Lynch-Staunton, debate adjourned.

## DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth, for the third reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

**Hon. Anne C. Cools:** I rise to speak to third reading of Bill C-6, to establish a department of emergency preparedness and to amend or repeal certain acts.

Honourable senators, I had spoken at second reading on December 7, 2004, and I had asserted quite strongly that the Public Service Rearrangement and Transfer of Duties Act does not permit the government to jettison or to distort the ancient law office of the Crown known as the Solicitor General, and I stick by that position today.

That public service act which allowed the enactment of the Orders-in-Council that established this department over a year ago was intended to be used for transferring the duties of portions of the public service from one department to another. I contend the law officer of the Crown, the Solicitor General, is no portion of the public service.

Honourable senators, some claim that the concept of the Minister of Public Safety was drawn from the report of the Standing Senate Committee on National Security and Defence. This Senate committee's report of October 2003 was entitled *Canada's Coastlines: The Longest Under-Defended Border in the World*. This report proposed a reorganization of the structures of national security. It proposed a rethinking of national security. However, there is nothing in the report that recommended the abolition of the officer, the Solicitor General of Canada. In fact, a reading of the report reveals the opposite. It reveals that the report proposed a strengthening of the office of Solicitor General.

Recommendation 5.4 at page 157 of the report recommended that:

This new national security structure containing the following be set up within 60 days: A permanent cabinet committee chaired by the Deputy Prime Minister. The cabinet committee would include the following ministers: Foreign Affairs, Defence, Solicitor General, Health, Finance, Justice, Immigration and others as required.

Further, the committee report at page 124 under the section entitled "Put a Strong Hand on the Tiller" stated:

Security analysts who appeared before the Committee offered various suggestions as to how a National Maritime Security Policy could best be developed and managed. It was proposed that a separate department for security be created, that a parliamentary committee take charge or that a cabinet committee of ministers with some responsibility for defending our borders (such as the defence minister, the solicitor general, and the minister for national revenue) take the helm.

The committee's report talked about the Solicitor General taking the helm.

Honourable senators, I want to be clear that there is nothing in that report that could be relied upon to jettison the officer, the Solicitor General. As a matter of fact, I contend that the report did not contemplate and did not countenance the possibility of the abolition of the law officer of the Crown, the Solicitor General.

On February 15 last, Anne McLellan, the Minister of Public Safety and Security, appeared before the Senate National Security and Defence Committee. Her appearance was brief and most of her time was spent on other national security issues. Very little of the minister's time was spent on Bill C-6 itself.

Honourable senators will note that all refer to Anne McLellan as the Minister of Public Safety, yet on December 12, 2003, when she was sworn in, she was sworn in as the Solicitor General of Canada, and that is the power that is fuelling the engine she is running. The *Canada Gazette* of January 3, 2004, described her appointment as follows:

McLellan, the Hon./L'hon. Anne, P.C./C.P.

Solicitor General of Canada to be styled Deputy Prime Minister

and Minister of Public Safety and Emergency Preparedness...



That is very irregular and improper.

On February 15 last in the Senate committee, I asked the minister whether or not she could have achieved all the desired goals of reorganizing national security and creating this new ministry without jettisoning the position of the officer that is the Solicitor General. The Americans created their department and Secretary of Homeland Security without touching any of these ancient law officers of the Crown because they understood the historical importance of the role of these two officers in the administration and the operation of justice.

It is obvious that the concerns of Senator Kenny, the committee and the country regarding the reorganization of national security could have been met without assaulting the ancient law officer called the Solicitor General.

• (1920)

I have already noted that the Senate committee's report did not recommend or contemplate the abolition of the Solicitor General. The minister did not even attempt to answer my questions on these important constitutional questions. She responded as follows:

I can say a few things and then, Mr. Chairman, if it is okay, I would ask Mr. Pentney, who is a lawyer with the Department of Justice and my department, we have in fact researched this issue in some detail as you might imagine because we did read the record and we knew that the issue would be raised, and Mr. Pentney will give you a more detailed response in terms of the abolition, if you like, of the position of the Solicitor General and the creation of this new department and new minister.

She further added:

Therefore I would hope that the committee will agree that there is absolutely no constitutional impediment to the creation of a Minister of Public Safety and Emergency Preparedness and the doing away of the position of the Solicitor General. Mr. Pentney can take you through much more of that history if you would like to hear that.

Honourable senators, clearly the minister does not understand the issue and does not have a handle on the issues, particularly the constitutional questions that surround the office of the Solicitor General. This seems to be consistent with this government time and time again. Government ministers will not or cannot explain or defend their bills before committee and make no attempt to explain. Senators attend committee meetings to debate with ministers, not their staff. It is tiring and tedious that again and again and again ministers can tell you very little about the bills that are before them. The minister had a duty to explain this monumental change in Bill C-6. It became very clear during her appearance before the Senate committee that the business of abolishing the position of Solicitor General, the officer, was clearly not the minister's initiative but a departmental initiative. It became clear that the impetus to abolish it came not from the

minister but from the Department of Justice. I wonder if she even knew about it. Considering this government's action, particularly on the sponsorship scandal, it seems to be that ministerial ignorance on the important questions has become rampant.

Mr. Pentney, the Assistant Deputy Attorney General from the Department of Justice, assumed the role of explaining to the Senate committee that which properly should have been explained by the minister. Mr. Pentney's testimony was woefully inadequate, most self-indulgent and very self-serving. Essentially, he told us that the law is what he says it is. In other words, the reason is his own conclusion. His own conclusion is the reason. Mr. Pentney's assertions, though not supported by constitutional authority, is reason enough. Take his word for it. He says so; therefore it is so. His assertion should be enough for the committee. Senators have no need of anything other than his own creation, his own assertion, a fabrication of his own mind, in actual fact his own will.

I responded to Mr. Pentney, saying:

... you have come to a conclusion that there is no constitutional impediment. You have cited a ... limited history, but you have not given me any analysis, nor have you given me any constitutional authority as to why you could put this Bill before us in this form.... someone in the department adopted a conclusion that it is only a name and it can be changed, ...

However, you have not given us a constitutional authority that says it can be changed.

I continued. I asked Mr. Pentney:

What is the Constitutional authority for this government to bring a bill before us which purports to alter the nature and the character and the name of Her Majesty's Law Officer?

He answered that:

... The Constitution in our submission contains nothing which prevents or limits the government's ability to change the title of that office or to assign other roles or responsibilities to that office.

Clearly Mr. Pentney does not even understand the Constitution of Canada or anything about ministerial responsibility and the notion that it is supposed to be a system of limited government, and that government in the exercise of powers is to be constrained by the law of the prerogative and the law of Parliament, the law that governs how law is made.

I responded to him, saying:

I still have not had my question answered. Again, you have made an assertion. You are reaching conclusions, and saying that the conclusion is the reason. The Constitution of this land vests all executive authority in Her Majesty. This is not an ornament. This is a fact of law.

The two law officers of the Crown are Her Majesty's two personal Agents, ... and, have an entirely different role than any other minister. They may be in cabinet or they might

not be. In some jurisdictions they are in, in some they are out. You have given me no constitutional reasons whatsoever as to how you can simply propose to change by a simple bill a fact that really concerns the Office of Her Majesty in this country.

Honourable senators, Minister Anne McLellan was of no help whatsoever, and Mr. Pentney, who seemed to believe that he spoke with some final authority greater than the minister's, similarly was of no help.

For the record, the questions that I raised on the floor of this house and in committee remain unanswered. My questions regarding the constitutional position of the Solicitor General of Canada and its treatment under Bill C-6 remain unanswered. Unhappily, this disinclination to answer questions and to explain policy properly is the *modus operandi* of this government, a government unequalled in arrogance and unsurpassed in parliamentary shoddiness.

Honourable senators, law professor Dr. Wes Pue, who is the University of British Columbia's Associate Dean of Graduate Studies and Research at the Faculty of Law, appeared before the Senate National Security and Defence Committee on February 14. He gave excellent and balanced testimony. He described the proper constitutional role of the Solicitor General, Her Majesty's secondary law officer of the Crown.

Dr. Pue told the committee:

The Office of the Solicitor General happens to be one place in our Constitution where we have underlined in bold ink the importance of impartiality, of the rule of law and of integrity in the operation of justice. Those are key values to which all Canadians subscribe. I believe there is a difference between a minister for police and security, or whatever you want to call it, and a Solicitor General.

About the Solicitor General, he also indicated that those two terms, unlike what the government tells us, are more than just a name. Nowadays it is just a name. It is only a name. Change it. Everything. Marriage too. It is just a name. Right.

Dr. Pue, a professor of law, said:

It is very important that this position be staffed in those kinds of ways, rather than just trying to find someone to create regional balance or something, to serve in a position where they will, in fact, be prevailed upon by other people because they do not understand their job. It is a very important job; both Solicitor General and this ministry are very important jobs. In Canadian law we have terms of art that mean things. One of those is Solicitor General. It is not just minister of foreign affairs or external affairs or national dog catcher, it is a term of art in law that imports a whole lot of Constitutional convention, Constitutional history, which is an important part of the Constitution of this country and

common law rulings in cases all over the world about duties of the Crown. It is more than just the name of another bureaucracy subject of shuffle. It carries a lot of meaning.

Honourable senators, Dr. Pue told us that, contrary to the government's assertions, the officer of Solicitor General is much more than a mere name that can be changed at the whim of a departmental official who is able to find the ear of a willing minister.

Dr. Pue went on to speak about Canada's constitutionalism and the special position of the Solicitor General, saying:

We have a fine history of Constitutionalism, we have a fine partly written Constitution, and we have a fine set of people in public office. My concern is not that if you leave the word "Solicitor General" out, you are immediately Nazi Germany, but that the historical weight of this office, what it has borne in our history, is precisely that of upholding those values that we hold dear, namely, the values of the rule of law and impartiality and the understanding that even when this person holds cabinet office, he or she is not a minister just like any other. He or she has special duties to the law.

Honourable senators, the government and the leadership in this place have consistently declined to accept the difference between the law officers of the Crown, the Attorney General and the Solicitor General, and other ministers of the crown. I tell you, they give no reasons. This has preoccupied my mind, because it is to those two officers that Her Majesty entrusts the defence of the public interest and the whole phenomenon of the proper operation and the administration of justice. They have very, very special roles, and constitutional relationships.

• (1930)

**The Hon. the Speaker:** Senator Cools, I regret to advise you that your 15 minutes have expired.

**Senator Cools:** I regret to say, Your Honour, that I think you are wrong.

My apologies, honourable senators. I was told I had 45 minutes. I could have spared myself much work.

Could I have leave to continue, honourable senators?

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Senator Rompkey:** For five minutes.

**The Hon. the Speaker:** I hear that leave is granted for five minutes.

**Senator Cools:** Honourable senators, five minutes is not very much. I do not need to listen to the sound of my own voice. I am not charmed by my own voice, but I do think the record should show what the Senate committee heard. There has been no debate on this floor about what went on in the committee; what the minister said and what the minister did not say.



Honourable senators, could I have leave to continue for another 20 minutes?

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I will ask again. Is leave granted, honourable senators, for Senator Cools to continue for an additional 20 minutes?

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, if I may, I misled Senator Cools with regard to the length of time she had to speak. I would ask the indulgence of this house not for 20 minutes, but for 10 rather than five minutes.

**Senator Rompkey:** We would agree to 10 minutes.

**The Hon. the Speaker:** That is agreed.

**Senator Cools:** It is a most strange situation to be constantly in the position of being a mendicant, when all I want to do is speak to the issue, and I cannot do that in 10 minutes, having expected to speak for 45 minutes.

#### MOTION IN AMENDMENT

**Hon. Anne C. Cools:** Honourable senators, I would like to move an amendment to the bill. I move:

That Bill C-6 be not now read a third time but that it be amended

(a) on page 1,

(i) by replacing, in the English version, the heading preceding line 7 with the following:

“ESTABLISHMENT OF THE DEPARTMENT;  
SOLICITOR GENERAL”, and

(ii) in clause 2, by replacing lines 13 to 15 with the following:

“(2) The Minister is *ex officio* Her Majesty’s Solicitor General of Canada, and holds office during pleasure and has the management and direction of the Department.”;

(b) in clause 3, on page 1,

(i) by replacing line 16 with the following:

“3. (1) The Governor in Council may appoint a”,  
and

(ii) by adding after line 20 the following:

“(2) The Deputy Minister is *ex officio* the Deputy Solicitor General.”;

(c) on page 3, by adding after line 3 the following:

#### “POWERS, DUTIES AND FUNCTIONS OF THE SOLICITOR GENERAL

##### 6.1 The Solicitor General of Canada

(a) is entrusted with the powers and charged with the duties that belong to the office of the Solicitor General of England by law or usage, in so far as those powers and duties are applicable to Canada, and also with the powers and duties that, by the laws of the several provinces, belonged to the office of solicitor general of each province up to the time when the *Constitution Act, 1867*, came into effect, in so far as those laws under the provisions of the said Act are to be administered and carried into effect by the Government of Canada;

(b) shall continue to exercise the powers and perform the duties and functions of the second Law Officer of the Crown under the common law; and

(c) shall carry out such other duties as are assigned by the Governor in Council to the Solicitor General of Canada.”;

(d) in clause 8, on page 3, by replacing line 44 with the following:

“duty or function, or unless that power, duty or function vests in or is exercisable by the Solicitor General of Canada or the Deputy Solicitor General of Canada by virtue of section 6.1.”;

(e) on page 7, by adding immediately before line 9 the following:

“17.1 Subparagraph (b)(i) of the definition “justice system participant” in section 2 of the *Criminal Code* is replaced by the following:

(i) the Minister of Public Safety and Emergency Preparedness and Solicitor General of Canada, and a Minister responsible for policing in a province.”;

(f) in clause 18, on page 7, by replacing line 10 with the following:

“Act are replaced by the following.”;

(g) on page 13, by adding after line 12 the following:

#### “SALARIES ACT

33.1 Paragraph 4(2)(k) of the *Salaries Act* is replaced by the following:

(k) the Minister of Public Safety and Emergency Preparedness and Solicitor General.”; and

(h) in clause 34,

(i) on page 13, by deleting lines 37 and 38,

(ii) on page 14, by renumbering subparagraphs (ii) to (xiv) of paragraph (1)(f) as subparagraphs (i) to (xiii), and

(iii) on page 15,

(A) by deleting line 32, and

(B) by relettering paragraphs (v) to (v) of subclause (1) as paragraphs (u) to (x).

Honourable senators, these amendments and the conceptual framework is borne exactly as this act was conceptualized. If one were to look at the first several paragraphs of Bill C-6, one would see that it forms a standard pattern, which I believe was begun by the Department of Justice Act which, as we know, was actually scripted by Sir John A. Macdonald because of the whole complexity of reconstituting those offices post-Confederation.

Interestingly enough, the Department of Justice Act, from which I borrowed the concept, says that there is hereby established a department of the Government of Canada called the Department of Justice, over which the Minister of Justice, appointed by commission of the Great Seal, shall preside. Its section 2 states:

The minister is *ex officio* Her Majesty's Attorney General of Canada and holds office during pleasure and has the management and direction of the department.

Since the government grew the Solicitor General, or morphed it into another mutant, I thought that the principle that could be established here is the exact same principle that pertains in respect of the Attorney General and the Minister of Justice. That is why I propose to this chamber that the Minister of Public Safety would be *ex officio* Her Majesty's Solicitor General of Canada and would hold office during pleasure and have the management and direction of the department.

In other words, the Minister of Public Safety will also simultaneously be the Solicitor General of Canada, which is the proper way, and I think that is the way it should have been done in Bill C-6 so that the ancient powers and ancient common law rights would remain preserved. Yet, the Minister of Public Safety and the ministry of public safety would be established and be allowed to work to fulfil contemporary demands and contemporary needs.

I made it quite clear when I spoke with the minister that there was no problem. I think that Senator Kenny has done a fantastic job of demonstrating very clearly that there was a tremendous need to rethink the organization of national security in this country. Therefore, I have no quarrel with the concept of creating a new ministry to fulfil the needs of contemporary society where we are now plagued by problems of terrorism. My concern was

that this could have all been attained without assaulting the position of the Solicitor General of Canada.

Honourable senators, I put those amendments before you for consideration. In closing, when I spoke on the point of order on Royal Consent about two weeks ago on February 23, I asserted that the bill did touch Her Majesty's prerogatives, particularly Her Majesty's Royal Prerogative in respect to pardon, mercy and clemency.

In another incarnation I served on the National Parole Board, one of the functions of which is to review cases and make recommendations to the minister, the Solicitor General, which went forth to the Governor-in-Council and to the Governor General.

• (1940)

The creation of those acts of Parliament that allowed for an administrative structure in which to have the possibility of granting pardons — they are limited pardons anyway, but that is another question — allowed that function to go into the general administration of the law. That is found again in the article of the letters patent of 1947 under the heading "grant of pardons." Article XII of the letters patent 1947 states:

And We do hereby direct and enjoin that Our Governor General shall not pardon or reprieve any such offender without first receiving in capital cases the advice of Our Privy Council for Canada and, in other cases, the advice of one, at least, of his Ministers.

Honourable senators, the words "the advice of one, at least, of his Ministers" mean and meant the law officer of the Crown.

If we were to look at Bill C-6 today, even as it is scripted and as it is currently before us, the Minister of Public Safety will be that minister giving advice to Her Majesty in respect of pardons and clemency. I have always hoped that one day this house would undertake a serious study on that whole phenomenon of prerogative law of clemency. It includes remissions, paroles, conditional and unconditional pardons. It used to involve what they called commuting death sentences. This is a vast area of power and law and probably, along with the law of Parliament, the least studied of all systems of law.

I hope that one of these days this particular house will involve itself in those important matters. This is a huge area.

Honourable senators, I sincerely believe that the BNA Act, especially in sections 9, 63, 134, outlines the serious need for the law officer of the Crown. It has been a source of disappointment to see that we do not assert our constitutional heritage and that we do not attempt to maintain it, to carry it on for future generations. I suppose that is the state of governance and government in this country today, but I was British born and I was British raised. I believe that system of constitutionalism is the finest jewel in constitutionalism around the world. I invite honourable senators to uphold and defend it.



Some senators may think I am naïve. They may say, "What about all of these principles? Just get it done. Vote it out of the way and one more bill done. Two hours, two days, what does it really matter?" I disagree. These issues are extremely important. We are charged under our oath to uphold these systems.

**The Hon. the Speaker:** Honourable senators, it is moved by the Honourable Senator Cools:

That Bill C-6 be not now read a third time but that it be amended —

**Some Hon. Senators:** Dispense!

**The Hon. the Speaker:** I will dispense.

Senator Kinsella wishes to speak.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I wish to speak in support of the amendment. The pith and substance of the argument that is made here is understood by honourable senators on this side, but harm is done in maintaining an office that Canadians understand, an office that has been around and is in place in many provincial jurisdictions.

This amendment does not interfere with the prime ministerial prerogative of setting out the machinery of government. I find this to be a fairly benign amendment and would encourage support for it.

**Hon. Tommy Banks:** Honourable senators, I wish to speak against the amendment. Actually, I have the temerity to suggest that I understand what Senator Cools is saying. Other senators may agree with her position; I do not. For a start, I refer to the quote she made regarding his ministers — at the time, His Majesty's ministers. I think that members of the Privy Council and members of the cabinet of Canada are all ministers of the Crown.

**Senator Cools:** The law officers are different.

**Senator Banks:** The honourable senator did not say law officers; she said "ministers."

Parliament may decide either to pass this bill or not to pass it. In any event, it is not a constitutional amendment, per se; it is a bill. The government has presented it and we must now vote on it. We must decide in this house whether or not to pass the bill. I suggest it is as simple as that.

**Senator Cools:** The honourable senator said that he was speaking against the bill. I accept that fact. Disagreement is desirable. However, it would be good, positive and interesting if the honourable senator would give some reasons why he disagrees. This entire debate has been permeated with "it is so because I say so." Could the honourable senator share with us the constitutional authority that he relied upon to come to his conclusion? I respect his opinion, but in our business, which is debate, it would be helpful if the players would actually explain

why they support the position they have adopted with some authority other than their own personal will.

It is an aspect of constitutionalism that in the absence of constitutional authorities people make it up as they go along. William Lyon Mackenzie, the grandfather of Prime Minister Mackenzie King, used to say that it was the natural disposition of people in power to substitute their own interests for the interests of the public; in other words, they make it up as they go along.

I know that the honourable senator sat through the committee hearings. The committee had two little hearings, not very many. Senator Rompkey said a few days ago that the committee studied this bill exhaustively. It did not; the committee had two meetings on this bill. If we return to the record of debate when major reorganizations of departments ensued, there was much debate. These bills used to be preceded by resolutions, taking the sense of the house, even on the business of bringing a bill forward.

There has been little debate on this issue and very little committee study. Would it be so difficult for the supporters of the bill on the other side, with all the massive resources of departments that just churn things out for you — boom, put your name to it — to give us some constitutional authority that we could all point to and recognize?

• (1950)

**Senator Banks:** I can only speak for myself, honourable senators. I do not ask anyone else to churn out stuff that I stand here and read.

Speaking again for myself, with respect to the amendment, this is a bill of the government. The government must govern, and the government governs through the consent of Parliament. It is proposing this bill and I am opposed to the amendment because the government has satisfied me that this is a good bill and that it should proceed. I urge all senators to vote against the amendment and for the bill.

**The Hon. the Speaker:** Are honourable senators ready for the question on the amendment of Senator Cools?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Will those honourable senators in favour of the motion in amendment please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those opposed to the motion in amendment please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the "nays" have it.

The motion in amendment is lost.

**Some Hon. Senators:** On division.

Motion in amendment negatived, on division.

**The Hon. the Speaker:** We are now on the main motion.

It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth, that this bill be read the third time.

All those senators in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion will please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the "yeas" have it.

**Senator Kinsella:** On division.

Motion agreed to and bill read third time and passed, on division.

# **FINANCIAL ADMINISTRATION ACT CANADA SCHOOL OF PUBLIC SERVICE ACT OFFICIAL LANGUAGES ACT**

## **BILL TO AMEND—SECOND READING**

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Hubley, for the second reading of Bill C-8, to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act.

**Hon. Donald H. Oliver:** Honourable senators, I am pleased to rise this evening to join in the second reading debate on Bill C-8, an act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act.

I wish at the outset to commend Senator Ringuette for the excellence of her presentation made on Wednesday, March 9 on this subject. It was thorough, complete and comprehensive, and typical of the good work that she does on these files.

It is not my intention to repeat an exposition of the contents of the bill but rather to look at some of the broader issues, perhaps even philosophical issues and matters, and new questions to which bills such as this sometimes give rise. I would like to raise a number of questions, therefore.

As Senator Ringuette wisely expressed, Bill C-8 simply gives legislative confirmation to the Orders-in-Council that created the agency. It does not change powers or functions already conferred on the agency; it merely enshrines in legislation what already exists in fact. We must not forget that.

This bill is part of a restructuring of the functions of many parts of the Public Service of Canada. There have been major changes with the Public Service Commission and the Treasury Board Secretariat flowing from Bill C-25. Bill C-8 adds the position of the president of the agency to the Financial Administration Act, just as the Secretary of the Treasury Board and the Comptroller General are already identified therein. It specifies the nature of the powers and functions that may be delegated by the Treasury Board and the president of the agency in the same manner as is set out in the Financial Administration Act for the others.

Honourable senators, was this necessary? Do we need the establishment of the office of the President of the Public Service Human Resource Management Agency of Canada? Was it necessary to roll those functions out of the Treasury Board? Is this really going to help in the transparency and accountability that is so much a central theme of the activities of the Treasury Board Secretariat?

Bill C-8 provides that the President of the Treasury Board is responsible for the coordination of the activities of the Secretary of the Treasury Board, the President of the Public Service Human Resource Management Agency of Canada and the Comptroller General of Canada, but why is it necessary to role those functions out of Treasury Board and form a brand new agency?

One of the problems that we have in government is that Treasury Board Secretariat does not have enough power and authority now to do what it should do in relation to public accounts, the budget, the Main Estimates, the supplementary estimates and other spending initiatives to ensure that parliamentary scrutiny can be involved in all aspects of government spending.

One of the other things that has recently been rolled out of the Treasury Board and into the PCO is the new Expenditure Review Committee chaired by Minister McCallum. In his appearance before the Standing Senate Committee on National Finance on March 9, the President of the Treasury Board, the Honourable Reg Alcock, said:

You will note that the almost \$11 billion in reallocations identified by the Expenditure Review Committee is not reflected in the 2005-06 Main Estimates. It is typically the case with any budget decision that timing is such that detailed financial information is not available in time for the preparation of the estimates documents.

...more information on the Expenditure Review Committee reductions can be found on the expenditure review website. Departments and agencies will include a reference to this information in their reports on plans and priorities in the spring.

The minister later added:

You will also remember that we have had some interesting discussions here...

— that is, in the Senate committee —



...about how to revise the estimates so that Parliament can more easily oversee government spending.

Honourable senators, that will not be achieved by rolling more and more of the Treasury Board functions out of the secretariat. Let us not forget what the Treasury Board is and what it does. The Treasury Board is a cabinet committee consisting of the President of the Treasury Board, the Minister of Finance and four other ministers. The Treasury Board Secretariat is the administrative arm of the Treasury Board. The secretariat is responsible for stewardship of public resources. It advises the Treasury Board on policies, directives and regulations, advises on and supports expenditure management across government, is responsible for the comptrollership function of government and oversees the executive Treasury Board decisions.

Honourable senators, you will remember that as part of a series of changes to the structure of the government outlined when Paul Martin was sworn in on December 12, 2003, it was announced that Treasury Board Secretariat would be streamlined and focused on comptrollership and financial management. It would ensure that departments met all requirements of expenditure planning, control and oversight and will assess policy proposals for the purpose of due diligence and value for money.

Then why is it necessary to roll out the public service human resource management functions? The 2005 budget booklet entitled "Strengthening and Modernizing Public Sector Management" indicates that the Treasury Board Secretariat will be consulting with parliamentarians in the coming months to develop a blueprint for improving reporting to Parliament.

I am wondering, honourable senators, if the rolling out of this new human resources agency from the secretariat will do anything to aid reporting to Parliament and parliamentary scrutiny of the estimates.

• (2000)

Honourable senators, one of the biggest problems we have in Canada is the budget which forecasts government plans for the fiscal year and often is very different from the Main Estimates which are tabled in Parliament. Why do we not look at ways of strengthening the Treasury Board, as it works more closely with the finance department which is charged with drafting the budget documents so that the budget documents and Main Estimates would more clearly, more accurately and more precisely reflect the government spending?

Another initial question that I would ask honourable senators is why is it necessary to incorporate a brand-new public service human resource management agency when we have already the Public Service Commission of Canada, which is quite capable of doing the job? As the President of the Treasury Board said when speaking on Bill C-8 on October 26, 2004 in the other place:

This is the discussion that came up on Bill C-11, an evolution in the role of the Public Service Commission. As we are discussing the legislation that puts in place and empowers the situation to deal with whistleblowing, we have

talked a lot of how the role of the Public Service Commission, which traditionally has been the employing authority for government, is evolving and how it relates to other activities in government. This is another piece of that structure.

Let me ask you another question: Is this spin-off of this human resource agency out of Treasury Board and into a new agency going to hurt or retard future attempts to strength transparency and accountability? As the President of the Treasury Board said in the House of Commons last October:

As the member will know, I am coming down with the reports on governance, accountability and ministerial responsibility, but it goes beyond that.

There are two concerns: First, is this bill going to do anything to harm or retard efforts currently taking place in several different areas of the administration to strengthen the accountability and transparency of the budgeting process and the process for preparation and presentation of the Main Estimates and the supplementary estimates? Secondly, is the passage of Bill C-8 going to do anything to retard initiatives under way to strengthen ministerial responsibility, accountability and answerability? Someone must look at the bigger picture.

Honourable senators, it is my hope that when this bill gets to committee, witnesses also be called to deal with some of these questions that we are now asking.

Bill C-8 is one of a series of bills that seeks to reorganize the government as announced by the Prime Minister more than a year ago. We are now in March 2005. The process is taking quite a while. Since December 2003, several newly-organized departments have operated through Orders-in-Council without the benefit of a statute that would clearly define their mandate or their powers and the responsibilities of their minister.

Two of the many bills that seek to achieve this reorganization were defeated at second-reading stage, at which time approval in principle is established in the other place. Another has had a rough ride here in the Senate over a constitutional issue. We have seen some dithering in the case of this bill which creates the Public Service Human Resource Management Agency of Canada, as the government has changed its mind on who ought to be the responsible minister.

Honourable senators will recall that the Treasury Board is a cabinet committee consisting of the president and others. The management of human resources issue has long been the responsibility of the President of the Treasury Board and the board's administrative arm, the Treasury Board Secretariat. The secretariat is responsible for stewardship of public resources.

As parts of a series of changes in the structure of government outlined way back in December of 2003, the streamlining was announced, and that the focus would be on controllership and financial management. The Treasury Board would ensure that departments met all requirements for expenditure planning, control and oversight, and would assess policy proposals for the purposes of due diligence and value for money.

As the Prime Minister said in the December 12, 2003 announcement, and I quote:

As part of the streamlining of the Treasury Board Secretariat, a new Public Service Human Resource Management Agency of Canada will be established under the President of the Queen's Privy Council and will, in consultation with unions and public servants, implement the newly legislated human resource reforms.

Then in December 2003, seven months later in July 2004, the Prime Minister changed his mind. The agency would instead carry out the powers to be delegated by the Treasury Board with the president as the responsible minister. What has happened here? It seems that government has created yet another agency to be headed by the equivalent of a deputy minister and left the directions in the hands of the minister who has traditionally handled the file.

Exactly what has been streamlined? Not much, as far as I can see. It certainly has not simplified anything for those trying to sort out the differences between the President of the Treasury Board, the Treasury Board Secretariat and the new agency. I would suggest that the government needs to make a stronger case for this agency than we have heard so far.

Bill C-8 refers to the Controller General, a new position created as part of the government's efforts to strengthen controllership and oversight across the federal government. On May 6, 2004, a press release welcoming the announcement of Charles-Antoine St-Jean as the Controller General, Treasury Board President Reg Alcock said the following:

One of Mr. St-Jean's key roles will be to promote stronger financial controls that are essential to ensuring rigorous stewardship of public funds and value for money.

In the same release Finance Minister Ralph Goodale said:

We need to provide honest, ethical, efficient management. We need strong internal comptrollership and effective, timely audits. And we need conscientious political oversight and accountability.

Bill C-8 does not spell out the role and duties of the Controller General, but in the same release we learn that the key duties of the office include overseeing all government spending, including review and signing off on new spending initiatives, setting and reviewing financial, accounting and audit standards and policies for the Government of Canada and, third, providing leadership to ensure and enforce appropriate financial controls and cultivate sound resources and stewardship of all levels across the federal public service.

The creation of this position is a welcome step forward, but it will do little to address fundamental issues of accountability.

Ironically, honourable senators, the key issue for this recent flurry of government reorganization was to restore accountability to Parliament in Canada. As the Treasury Board President Reg Alcock told the House of Commons on October 26, 2004, that

reorganization was intended primarily to advance the priorities of Canadians by improving services and their delivery, but also by making sure that the government has the tools it needs to restore the confidence of Canadians in their public service to sound fiscal management, more rigorous allocation of resources and, above all, implementation of the highest standards of ethics, openness, transparency, accountability and reporting to Parliament.

However, since then, the President of the Treasury Board has postponed the planned major review of ministerial and bureaucratic accountability because he does not want to act until after the Gomery report is released. Does the government really need to wait until Justice Gomery reports at the end of this year to begin this important review? The *Hill Times* of February 28 reported that the Minister of Justice feels that he is too busy to proceed with his long-promised amendments to the Access to Information Act: so much for tackling the democratic deficit.

Right now nothing is being done to improve accountability, and the list of recent bureaucratic and political mishaps continues to grow. One thing we ought to be carefully considering is the solution that has proven to work in the parliamentary system, and one that has been suggested by royal commissions, academics and bureaucratic gurus. That is the use of accounting officers as a model based on the British experience. The potential for this model in Canada was discussed recently by Donald J. Savoie, founder of the Canadian Institute for Research on Regional Development, in his book *Breaking the Bargain*. In this model, which dates back to 1872 in Britain, the deputy minister of the department, or head of the department, acts as an accounting officer and bears full and personal responsibility for matters related to financial propriety and regularity, prudent and economical administration, as well as value for money. These responsibilities rest with the accounting officer unless explicitly overruled in writing by his minister.

The Lambert commission of the 1979 Royal Commission on Financial Management and Accountability also suggested a similar practice for Canada. The commission pointed out that deputy ministers were already assigned legal responsibility by acts of Parliament, but that deputy heads are not regularly held accountable in a systematic or coherent way for program management and departmental administration. The answer, of course, was to hold them accountable in a systematic way. The commission said, and I quote:

Unless the accountability of deputy heads is defined and made real, delegation of managerial authority can never adequately support the individual and collective responsibility of ministers as we have said we must.

• (2010)

The position of an accounting officer does not take away from the two pillars of Canadian government, namely ministerial responsibility and a neutral public service; rather, it divides the area of responsibility between the minister and his deputy in a clear and specific way. It is an exception to the neutral public servant that recognizes the political elements of the role of the deputy minister and clarifies the lines of accountability for their already existing legal responsibilities.



In conclusion, honourable senators, C.E.S. Franks from Queen's University, one of Canada's leading experts on the accounting officer, has pointed to the success of this position in the United Kingdom. He points out that full and personal responsibility of the accounting officer remains central to the British system of financial control and accountability, and indeed of good management generally, and the position and the practices that have developed around it establish a clear and firm division between the responsibilities of the public service and those of the minister. This is a solution that warrants further investigation for its potential in Canada. It gets to the heart of the problem. It deals with the accountability gap in Canada.

Honourable senators, I am not convinced that Bill C-8 will solve any real problems. Creating a new agency will not address one of the most serious problems facing the public service in Parliament — a lack of clear accountability. I look forward to discussing these issues in greater depth in committee.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

#### REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on National Finance.

#### HUMAN RIGHTS

##### BUDGET—REPORT OF COMMITTEE ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Human Rights (budget—study on the rights and freedoms of children) presented in the Senate on March 10, 2005.—(*Honourable Senator Andreychuk*)

**Hon. A. Raynell Andreychuk** moved the adoption of the report.

Motion agreed to and report adopted.

##### BUDGET—REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on Human Rights (budget—study on Canada's human rights obligations) presented in the Senate on March 10, 2005.—(*Honourable Senator Andreychuk*)

[ Senator Oliver ]

**Hon. A. Raynell Andreychuk** moved the adoption of the report.

Motion agreed to and report adopted.

##### BUDGET—REPORT OF COMMITTEE ON STUDY OF CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE ADOPTED

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Human Rights (budget—study on the Federal Public Service) presented in the Senate on March 10, 2005.—(*Honourable Senator Andreychuk*)

**Hon. A. Raynell Andreychuk** moved the adoption of the report.

Motion agreed to and report adopted.

##### BUDGET—REPORT OF COMMITTEE ON STUDY OF LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP ADOPTED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Human Rights (budget—study on an invitation to the Minister of Indian and Northern Affairs) presented in the Senate on March 10, 2005.—(*Honourable Senator Andreychuk*)

**Hon. A. Raynell Andreychuk** moved the adoption of the report.

Motion agreed to and report adopted.

#### THE SENATE

##### RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE— DEBATE CONTINUED

Leave having been given to revert to Motion No. 58:

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (*full name of the Senator*), do swear (*or solemnly affirm*) that I will be faithful and bear true allegiance to Canada.—(*Honourable Senator Downe*)

**Hon. Mira Spivak:** Honourable senators, I am very supportive of this motion. It is an excellent example of how we can recognize the need for important traditions to evolve and to adopt those needed changes.

Oaths of allegiance have a very long history. The foundation of all modern oaths dates back to the coronation of Anglo-Saxon kings, in which it was not the people but the monarch who took an oath to do justice and to preserve peace among his people — and not incidentally to guarantee the rights of the Catholic Church. Ethelred the Unready swore such an oath in 978.

The first oaths required of citizens were created in 1534. Henry VIII wanted to ensure that his subjects accepted his supremacy over the church and his arrangements for the succession, despite his unorthodox marital arrangements.

The oath required of parliamentarians today has its origin in the reign of Elizabeth I, who, in 1562, required members of the British House of Commons to swear to her spiritual, as well as temporal, supremacy. Over time, that oath also changed until, in 1689, in the reign of William and Mary, allegiance was expressed in the now familiar words that are enshrined in our Constitution:

• (2020)

I swear that I will be faithful and bear true allegiance to (the reigning King and/or Queen).

This motion will not alter those age-old words or their true meaning. More importantly, it would not require a constitutional amendment. It would add an oath of allegiance to Canada, our country. It would explicitly express what may be implied in the existing oath but is not well understood by most people today unless they have a great deal of historical knowledge and apply a liberal interpretation to it.

In the other place, a member's oath or solemn affirmation of fidelity and allegiance to Her Majesty Queen Elizabeth II is interpreted as allegiance to the Queen as Sovereign of Canada and includes the institutions the Queen represents, the concept of democracy and the democratic institution of Parliament.

This is not readily obvious to most Canadians — perhaps to many of us. The wording "Sovereign of Canada" is not found in the current oath that we take and that they take in the other place.

If we need further proof that the meaning is obscure, we only have to look to changes made to the Oath of Allegiance for new Canadians under the Citizenship Act. In 1977, the Trudeau government added the words "Queen of Canada" after the Queen's name and redubbed it the Canadian Citizenship Oath.

In the other place, there has been considerable debate about both the citizenship oath and the oath taken by parliamentarians. Private member's bills to amend the Parliament of Canada Act to achieve what this motion would achieve have been introduced

repeatedly in subsequent sessions and in subsequent Parliaments. Among them, Bill C-408 in the second session of the Thirty-seventh Parliament would require all members of Parliament to swear loyalty to Canada.

The government also proposed significant changes to the citizenship oath that, like Australia's oath, would take the form of a pledge to the country, but unlike Australia's would also pledge loyalty and allegiance to Her Majesty Elizabeth II, Queen of Canada. Successive bills to amend the Citizenship Act have died on the Order Paper.

There was considerable debate on the matter, however, and, not unexpectedly, opposition from the Monarchist League of Canada that wanted to preserve the status quo. In advancing its position, the league did make some points that would be worthwhile for us to consider.

First, it made clear that oaths are not just pious statements of goodwill. They are legally binding commitments with consequences to those who fail to live up to them. As such, they should be as precise and as limited as possible.

Second, the existing oath is a reciprocal arrangement. The sovereign makes an oath to the people in his or her coronation, and the people at various times take oaths of allegiance to the sovereign. Even if we did not face the difficulty of making a constitutional amendment to alter our current oath, I am not persuaded that it would be a good idea to radically change it. Canada itself, except through its personification of the Queen, cannot take an oath to Canadians.

Third, there is clarity in an oath to a sovereign, the head of our national family. What is Canada? Is it the geography? Is it the collective people? Is it collective governments? Each of us holds an idea of Canada in our hearts and minds, and those ideas often differ. Who is to judge whether an oath of allegiance to Canada has been violated?

During the debate on Senator Lavigne's motion, references have been made to oaths of allegiance in other countries. The United States is often held up as an example among nations that very strongly instills an allegiance to country. In fact, the Oath of Allegiance to the United States of America is a good deal more precise than the name implies. It requires citizens to support and defend the Constitution and the law of the United States of America against all enemies. It requires them to bear arms on behalf of the United States when required by law, to perform non-combatant service in the Armed Forces when required by law, and to perform work of national importance under civilian direction when required by law. It is anything but a vague oath.

I am not suggesting that we adopt the American model. In fact, it is curious that what this motion would do is entirely British. The British oath of allegiance for citizens is a two-part model, as ours would be if we adopt this motion. First comes allegiance to the Queen; next comes loyalty to the United Kingdom, respect for its rights and freedoms, and a promise to uphold its democratic values.



As an alternative to this motion, we could consider an oath of allegiance to our Constitution and Charter of Rights and Freedoms. It would be more precise. That is an option taken by parliamentarians in Ireland, the Netherlands and perhaps several other countries. However, I do not feel strongly on that point.

This very cursory review of the history of oaths, which Senator Lavigne's motion has actually inspired me to do, has two important lessons. First, oaths do change over time, and there is no need for us to feel that we must be bound to an oath put in place for us in 1867. Second, this is anything but a trivial matter. Oaths have an important part in the history of a nation and, as the nation evolves, so should its oaths.

There is ample evidence that Canadians as a whole do not regard this as a trivial matter either. Senator Lavigne has tabled

more than half a million letters in support for it. I am very pleased that some of those letters come from MacGregor and District Chamber of Commerce in MacGregor, Manitoba, and the Flin Flon and District Chamber of Commerce and the Castlegar/Robson Branch of the Royal Canadian Legion in British Columbia. I see those as a good sign that this is a unifying issue, not a divisive one.

As an immigrant to this wonderful country, I am supportive of this motion. I congratulate Senator Lavigne, and I hope we can adopt it.

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

# CONTENTS

Monday, March 21, 2005

	PAGE
<b>Official Languages</b>	
Committee Authorized to Meet During Sitting of the Senate.	
Hon. Bill Rompkey .....	917

## SENATORS' STATEMENTS

<b>International Day of the Francophonie</b>	
Hon. Gerald J. Comeau .....	917
<b>International Curling Club Volunteer of the Year Award</b>	
Congratulations to Mr. Delbert Comeau.	
Hon. Terry M. Mercer .....	917
<b>International Day for the Elimination of Racial Discrimination</b>	
Hon. Donald H. Oliver .....	918
<b>Canadian Red Cross</b>	
Hon. Catherine S. Callbeck .....	918
<b>Canada-United States Relations</b>	
Swine Spongiform Encephalopathy—Closure of Border to Canadian Cattle.	
Hon. David Tkachuk .....	918
<b>The Late Metropolitan Wasyl, Primate of Ukrainian Orthodox Church of Canada, O.C.</b>	
Hon. A. Raynell Andreychuk .....	919
<b>Quebec Games</b>	
Hon. Jean-Claude Rivest .....	919
<b>Visitors in the Gallery</b>	
Hon. the Speaker .....	919

## ROUTINE PROCEEDINGS

<b>Heritage Lighthouse Protection Bill (Bill S-14)</b>	
Report of Committee.	
Hon. Wilbert J. Keon .....	920
<b>The Senate</b>	
Notice of Motion to Extend Adjournment Time on March 23, 2005.	
Hon. Bill Rompkey .....	920
Notice of Motion to Authorize Committees to Meet During Adjournment of the Senate.	
Hon. Bill Rompkey .....	920
<b>Canada Shipping Act</b>	
Canada Shipping Act, 2001	
Canada National Marine Conservation Areas Act	
Seas Act (Bill C-3)	
Bill to Amend—First Reading .....	920
<b>International Development Assistance</b>	
Notice of Motion Urging Government to Meet Commitment.	
Hon. A. Raynell Andreychuk .....	920

## QUESTION PERIOD

<b>Citizenship and Immigration</b>	
Interception of Fraudulent Documents.	
Hon. A. Raynell Andreychuk .....	920
Hon. Jack Austin .....	921

<b>The Environment</b>	
Kyoto Protocol—Greenhouse Gas Abatement Strategy.	
Hon. Donald H. Oliver .....	921
Hon. Jack Austin .....	921

<b>Health</b>	
Meeting with United States Secretary of Health and Human Services—Sale of Prescription Drugs—Handling of Cox-2 Inhibitors.	
Hon. Wilbert J. Keon .....	921
Hon. Jack Austin .....	922

<b>Finance</b>	
Budget—Increase in Foreign Capital Investment.	
Hon. Madeleine Plamondon .....	922
Hon. Jack Austin .....	922

<b>Delayed Answers to Oral Questions</b>	
Hon. Bill Rompkey .....	922

<b>Foreign Affairs</b>	
Libya—Visit by Prime Minister—Members of Delegation.	
Question by Senator Prud'homme.	
Hon. Bill Rompkey (Delayed Answer) .....	922

<b>Finance</b>	
Canada Pension Plan—Influence on Investment Market.	
Question by Senator Angus.	
Hon. Bill Rompkey (Delayed Answer) .....	923

<b>Canada-United States Relations</b>	
Missile Defence Program—Documentation on Proposal.	
Question by Senator Kinsella.	
Hon. Bill Rompkey (Delayed Answer) .....	923

<b>Anti-terrorism Act</b>	
Budget—Report of Special Committee Presented.	
Hon. Joyce Fairbairn .....	924

## ORDERS OF THE DAY

<b>Business of the Senate</b>	
Hon. Bill Rompkey .....	924

<b>Tax Conventions Implementation Bill, 2004 (Bill S-17)</b>	
Message from Commons.	
The Hon. the Speaker .....	924

<b>Federal-Provincial Fiscal Arrangements Act (Bill C-39)</b>	
Bill to Amend—Third Reading—Debate Adjourned.	
Hon. Sharon Carstairs .....	924

<b>First Nations Fiscal and Statistical Management Bill (Bill C-20)</b>	
Third Reading.	
Hon. Ross Fitzpatrick .....	925
Hon. Terry Stratton .....	926

<b>Statistics Act (Bill S-18)</b>	
Bill to Amend—Third Reading—Motion in Amendment—Debate Continued.	
Hon. Lorna Milne .....	927
Hon. John Lynch-Staunton .....	928
Hon. Jack Austin .....	929

<b>Department of Public Safety and Emergency Preparedness Bill (Bill C-6)</b>	
Third Reading.	
Hon. Anne C. Cools .....	929
Hon. Terry Stratton .....	932
Motion in Amendment.	
Hon. Anne C. Cools .....	932
Hon. Noël A. Kinsella .....	934
Hon. Tommy Banks .....	934



	PAGE		PAGE
<b>Financial Administration Act</b>		Budget—Report of Committee on Study of Cases of Alleged	
<b>Canada School of Public Service Act</b>		Discrimination in Hiring and Promotion Practices and	
<b>Official Languages Act (Bill C-8)</b>		Employment Equity for Minority Groups in Federal Public	
Bill to Amend—Second Reading.	935	Service Adopted.	938
Hon. Donald H. Oliver . . . . .	938	Hon. A. Raynell Andreychuk . . . . .	938
Referred to Committee . . . . .		Budget—Report of Committee on Study of Legal Issues Affecting	
<b>Human Rights</b>		On-Reserve Matrimonial Real Property on Breakdown of Marriage	
Budget—Report of Committee on Study of International		or Common Law Relationship Adopted.	938
Obligations Regarding Children's Rights and Freedoms Adopted.		Hon. A. Raynell Andreychuk . . . . .	938
Hon. A. Raynell Andreychuk . . . . .	938	<b>The Senate</b>	
Budget—Report of Committee on Study of Issues Related		Rules of the Senate—Motion to Change Rule 135—	
to National and International Obligations Adopted.		Oath of Allegiance—Debate Continued.	
Hon. A. Raynell Andreychuk . . . . .	938	Hon. Mira Spivak . . . . .	939













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OFFICIAL REPORT  
(HANSARD)

Tuesday, March 22, 2005

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, March 22, 2005

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### TRIBUTES

##### THE LATE HONOURABLE ROYCE FRITH, O.C.

**The Hon. the Speaker:** Honourable senators, I received a notice from the Leader of the Government who requests pursuant to rule 22(10) the time provided for consideration of senators' statements be extended today for the purpose of paying tribute to the Honourable Royce Frith, a former colleague whose death occurred on March 17, 2005.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is with genuine sadness that I rise to mark the passage last Thursday of one of our most distinguished and venerable former colleagues, the Honourable Royce Frith, who was summoned to this chamber in 1977, and resigned in 1994 at the age of 70 to accept the position of Canada's High Commissioner to the United Kingdom. This offer on such an eminent post was a tribute to both the abilities of Senator Frith and to the Senate.

During the tributes that were paid to our departing colleague in October 1994, Senator Jacques Hébert described him as a true Renaissance man and concluded his statement by saying:

Finally, and for me this is the ultimate compliment, Royce Frith is a perfect gentleman who will represent us with distinction at the Court of St. James.

This was certainly the case. Not only was he the perfect gentleman who represented Canada with unusual distinction, but he was also a very effective ambassador to the European community at large, particularly, during the so-called "turbot wars" with Spain.

Knowing Royce as we did, none of us were surprised at the glowing accounts in the media of his activities and his effectiveness on the international stage. We would have expected nothing less from this natural born and strikingly elegant diplomat.

To return to his time in the Senate, I will begin where he began, with his inaugural speech in this place on May 24, 1977. He spoke about his experiences as a member of the Royal Commission on Bilingualism and Biculturalism, and described the Senate's special responsibilities on minority and provincial rights. In that first speech, Senator Frith laid down his personal marker when he said, "Canadians have a right to expect service beyond the call of duty from all their institutions."

When it came to his work here, Senator Frith gave beyond the call of duty. In addition to his active participation and membership on numerous committees, he served as Deputy Leader of the Government from 1980 to 1984, Deputy Leader of the Opposition from 1984 to 1991 and Leader of the Opposition from 1991 to 1993. During those years, particularly those in opposition, he played a leading role on issues that occupied political centre stage — Free trade, the Constitution and the GST. He then authored two books describing some of his experiences, the second of which was, *The Show Must Not Go On*, a title that also reflected perhaps his true love, which was theatre. Before coming to the Senate, Senator Frith was often on stage as a member of the Perth Ecumenical Choir performing musical comedy, and in subsequent years he starred in *The Music Man*, *The Mikado*, *My Fair Lady* and *Oliver*, among other productions. More recently, he served on the board of the National Arts Centre.

Honourable senators, Senator Frith was a well-educated and cultured gentleman, a Renaissance man possessed of an open and inquiring mind and generous spirit, in other words a small "L" liberal in the old fashioned and truest sense of the word. That is the person our country has now lost.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, our former colleague, the Honourable Royce Frith was a man both remarkable and interesting, a man who left his mark in varied forms. He was a performer in many ways, a superior thespian with an ability to articulate his ideas clearly. These were valuable talents for a lawyer, a senator and a diplomat. A ready wit, the barbs that came from his seat on the other side of the chamber could be both wicked and gentle, but they were the norm.

Turning back the clock a bit, it was February 11, 1986 when he said,

We are almost in the position of asking questions for, perhaps, undergraduate students, because by the time we receive answers, they will possibly be doing post-graduate work and the answers, to borrow a word used by the Leader of the Opposition, will be mostly archival.

The message was clear. This was not to say that obfuscation and delay were tactics foreign to his talents. He was a singularly creative individual, one to whose work we paid close study, and from whom I learned a great deal. In opposition, Royce Frith was quite capable of being the cause of premature hair loss in the Speaker, not so much due to the stress of maintaining order as trying to decipher the ways in which Beauchesne's and the *Rules of the Senate of Canada* had been transformed into mere bumps in a path less travelled.

His presence made the Senate a more interesting place. He challenged all of us, he contributed a great deal to the debates and he contributed both substantially and substantively to the advancement of our understanding of many issues, although we did not end in agreement on all points.



On a personal note, I annually looked forward to our end-of-year exchanges of notes.

• (1410)

Royce Frith's contribution to our society did not start with the Senate and did not end when he left this chamber, as indicated by the citation for his induction into the Order of Canada in 2001:

He has made a varied and lasting contribution to public service. As a member of the Royal Commission on Bilingualism and Biculturalism, he helped to entrench Canada's cultural and linguistic duality. A consummate diplomat, he worked tirelessly during his tenure as High Commissioner to Great Britain and Northern Ireland, to preserve our interest in one of Trafalgar Square's most stately landmarks, Canada House. Equally active in his private life, he has been a trustee of the Lester B. Pearson College of the Pacific and the Vancouver Symphony.

His passing brought to mind once again the memory of an intelligent, dedicated man who contributed to the well-being of the nation. I wish to extend to his family our sympathies and condolences and may he now he rest in peace in the bosom of Abraham.

**Hon. Joyce Fairbairn:** Honourable senators, it is with both sadness and joy that I join in paying tribute to one of the finest colleagues I have had in the Senate over the past 20 years. Royce Frith cut a swath through this place with a potent mix of intellect, talent, humour, stubbornness, skill and commitment that challenged the rest of us to think and act well beyond the boundaries of this chamber. His contribution as Deputy Leader of the Government and Opposition and then Leader of the Opposition was significant in good times and in difficult days such as during the GST debate. He never hesitated to engage in discussion and debate to the limit.

He was one of the most dynamic promoters of Canada I have ever met — in both official languages. It is fair to say that he made a powerful contribution to the development of the bilingual programs in this country when then Prime Minister Lester B. Pearson had the foresight to place him on the Royal Commission on Bilingualism and Biculturalism. Prime Minister Paul Martin noted on the weekend that Royce "always reminded us of the fundamental need to respect and uphold the two great languages and two great founding cultures of Canada — a vital breakthrough in the evolution of modern Canadian society."

If a movie had ever been made of our Senate, Royce would have been a logical star. He was elegant, a great speaker with a wicked sense of humour, a fair-minded individual with well-honed intellectual skills. He was a passionate liberal, both small "I" and political "L." A lawyer by profession, he judged most issues through the prism of rights and freedoms and fairness.

He was absolutely the right choice to send to London as our High Commissioner when he left the Senate in 1994. Sporting his snappy tweed Wessex or Deerstalker hat, he hit the waterfront of English towns in his efforts to fight the turbot war. He spoke for

Canada with vigour and a sharp humour that caught the eye of the media and the ear of European colleagues.

As I said at the time of his departure from this chamber, he had an abiding interest in culture and the arts. His other life was as an actor and musician. Many of us remember his triumphs as Henry Higgins in *My Fair Lady*, Fagan in *Oliver Twist*, the prosecutor in *Beyond Reasonable Doubt*, narrator of the *Christmas Carol* and of course, the *Mikado*. In the words of Noel Coward, "Life is for living." That sums up Royce. He lived it long, he lived it well, and Canada and this Senate are a better place because of him.

Royce will come home to Perth this weekend to join his late parents and son. We offer Hillary, his daughter, Valerie, and an army of friends our deepest sympathy and share with them great memories forever.

**Hon. David P. Smith:** Honourable senators, I am honoured to pay tribute to Royce Frith. Although I did not sit in the Senate with him, I was in caucus with him back in the Trudeau days. I knew him best from our Toronto Liberal days, which to me is a badge of honour.

Royce was a guy who always wanted to make our parliamentary system work. He was always fun during campaigns. He got his start back in an illustrious group known as Cell 13 which included as its leader Keith Davey, as well as Dan Lang and Dick Stanbury, all of whom served in the Senate. According to Peter C. Newman's book *Grits, an Intimate Portrait of the Liberal Party*, Senator Grafstein was the youngest member of that group. It is hard to think of Senator Grafstein as a young member, but he was a young member of something once, and it was Cell 13.

Senator Kinsella referred to Royce Frith's campaign to keep Canada House on Trafalgar Square. It is a long story, but the truth is it probably would not have remained what it was without Royce. I can remember many meetings with him in London, listening to him strategize the way he used to in campaigns.

I want to mention that my wife, Heather, knew Royce her entire life. She grew up across the street from the Friths in the Leaside area of Toronto.

In recent years when I would visit Vancouver and go into the Vancouver Club for lunch, without exception Royce would walk in every day looking like the perfect gentleman he always was.

**Hon. Lowell Murray:** Honourable senators, I am glad that in addition to the memorial service in Vancouver there will be a funeral service next Saturday at the Anglican Church in Perth. I intend to be there, for Senator Frith lived in Lanark County during a good part of his time as a senator. He was, as he would have said, well and favourably known in the area and was active in quite a range of professional and cultural activities in that area.

I remember very early in my own residence there encountering him in the pulpit of the Saint Andrews United Church in Pakenham on the occasion of their anniversary service. Still later, I took my then young family to see Royce in a star turn, a

wonderful performance of Fagan in the musical *Oliver* on the stage of one of the theatres in Perth. He was, as some of his relatives and friends noted in the obituary this week, always a terrific performer.

When Royce was Deputy Leader of the Government during the Trudeau years in the early 1980s, Deputy Leader of the Opposition and later Leader of the Opposition, Senator Doody, my seatmate and I crossed swords with him often. Senator Doody negotiated the business of the Senate on a daily basis with Senator Frith, as Senator Frith was deputy leader of the majority party in the Senate. Senator Doody's hair was jet black before he began that process. Look at him today.

I travelled in China with Senator Frith. I socialized with him in many other climes and times. He was always an enjoyable, engaging and interesting companion and a great raconteur.

[Translation]

Senator Frith was not only a model of bilingualism, but also a steadfast defender of the concept of Canadian linguistic duality and the Official Languages Act. To this end, he was always the first to stand in the Senate to draw our attention to any and every error in our practices and to insist that our government and parliamentary institutions fully respect linguistic equality.

I extend my deepest condolences to his family and former Liberal Party colleagues.

[English]

**Hon. Jeremiah S. Grafstein:** Honourable senators, beyond a doubt Royce Frith was the most elegant and dashing male senator in figure and dress during my time in this chamber. He was as fussy about grammar as he was about the cut of his suits and the colour of his suits and ties. He was a vibrant member of Cell 13 organized by Toronto Young Liberals during the dark days of the 1950s dedicated to renovating and renewing the then moribund Liberal Party. Other founding members of Cell 13 included former outstanding Senate colleagues Keith Davey, Dan Lang, Richard Stanbury and John Black Aird.

• (1420)

When I joined the Liberal Party in the early 1960s, Royce, ever the outspoken activist and strategist, was already a legendary figure — a distinguished lawyer, actor, singer, speaker, broadcaster, raconteur, gourmand, lover of literature, plays and poetry — and a very special favourite of Mr. and Ms. Pearson.

It was Royce who was always called upon to be the master of ceremonies at countless Liberal revival meetings, dinners and fundraisers. It was Royce who chaired the last public mass meeting that took place in the form of a surprise birthday party for Mr. Pearson at Maple Leaf Gardens during the 1972 election, just before Mr. Pearson passed away due to a tragic illness.

Later when I joined Royce here in the Senate it was always a delicate matter to meet with him privately in his office just behind

this chamber, where he was usually involved in an electronic chess game with himself. You interrupted his next move at your peril.

When Royce was appointed as High Commissioner to London, I told him he was the first Canadian since Vincent Massey that would not have to acquire bespoke suits tailored in Saville Row because his wardrobe already satisfied the high station of a British public figure.

Royce, ever the graceful man, full of energy, verve and wit, a connoisseur and bibliophile, could become fussy, stubborn and impatient when it came to compromising Liberal principles or policies, or incorrect grammar in speech or imprecision in legislation, either in English or French.

Honourable senators, Royce will be remembered by friends and political foes alike for the joyful pleasure of his company. He was and he will be always the essence of the definition of an honourable gentleman.

**The Hon. the Speaker:** Honourable senators, I regret to advise that the time for tributes has expired. However, I have on my list two senators, Senator Stollery and Senator Doody. I will see them under Senators Statements in that order before proceeding with the list under Senators Statements.

**Hon. Peter A. Stollery:** Honourable senators, I was shocked when I received the email from the Speaker that Royce had passed away. He was a terrific guy.

I did not know him as an actor. I do know that he could make a terrific dry martini. I stand today to say that I was a friend of Royce Frith for many years as we were both members of the Liberal caucus.

One of the unusual things I recall about Royce was that at one point I decided to become involved in Latin American affairs and started inviting important literary figures from the Spanish-speaking countries to come to Canada. Jorge Borges was one of the first to accept the invitation. He had been nominated many times for the Nobel Prize and was a world-famous literary figure, but possibly not known to everyone. However, he was known to Royce because as soon as he learned that I had Jorge Borges here for a week, he was on to me to invite him to dinner. Royce put on quite a spread and wanted to get the books that he had — and he had most of them — autographed by the great Jorge Borges.

Honourable senators, I just wanted to say that I was saddened and shocked when I received the email.

**Hon. C. William Doody:** Honourable senators, I cannot let this occasion pass without saying a word or two about a gentleman whom I considered a real friend, the erudite and irrepressible Royce Frith.

He and I had occasion to lock horns in this chamber many times and it was always an experience. I always learned a little bit, if not in parliamentary procedure, certainly in the correct use of the Queen's English.



The man was absolutely amazing, not only in terms of his bearing, his mien and his disposition, but in his complete dedication to what he did. He was a wonderful experience for me. I learned a lot from him and very much appreciated the opportunity to work with him.

I also appreciated, as everyone here who knew him did, his wonderful theatrical talents. I remember learning that he was to star in *My Fair Lady*, and I facetiously asked him if he was to play the role of Freddy. He flared for a minute, and then he realized who he was speaking to and settled back down again.

I also remember vividly the chess board in his office. I seem to associate that chess board with our late friend Peter Bosa, who used to go in there, make a move and leave to let Royce figure out what to do after he had left.

Honourable senators, my memories of Royce are many and mostly delightful. I should mention that I very much appreciated the photograph that the *Citizen* published late last week, which showed him at his puckish, Mr. Pickwickian best, smiling back over his shoulder with that roguish grin on his face. It was an absolutely delightful photograph. I will cherish it forever, just as I will his memory.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I interrupt to draw to your attention the presence in our gallery of Ms. Deidre Gordon Foster, winner of the Miss Black Teen World contest, Ms. Danielle Dolciné, winner of the Miss Black Teen Canada contest, and the organizing committee for the Miss Black Teen Canada contest.

[Translation]

They are here at the invitation of the Honourable Lucie Pépin. On behalf of all the senators, welcome to the Senate of Canada.

[English]

#### LEARNING DISABILITIES AWARENESS MONTH

**Hon. Marilyn Trenholme Counsell:** Honourable senators, March is Learning Disabilities Awareness month in Canada. We have much to celebrate — learning disabilities are no longer a mystery as they were when I was child.

We have much to learn from the research and experience we have acquired, especially in the last decade; and we have much for which to hope, as far too few children with a learning disability receive the assessment and remedial teaching they require to reach their potential.

This past weekend, in St. Andrew's, New Brunswick, over 100 people came together for a learning disabilities and reading forum. This was the most successful conference ever held by the Learning Disabilities Association of New Brunswick. We wish to express heartfelt appreciation to Senator Michael Meighen and Ms. Kelly Meighen for their generosity.

[ Senator Doody ]

Five to 10 per cent of children in Canada and the U.S. have a learning disability — invisible — leaving a child stigmatized for life all too often. Thirty-five per cent become high school dropouts and far too many are destined for addiction, depression and crime.

A child with a learning disability must work five times harder in school to achieve a passing grade. Each one of us must work harder to support parents, educators and government in a societal effort to overcome the barriers faced by so many children and their families.

We can advocate in our provinces and communities. We can support parents seeking help if their child is not talking by two or three years. On average, a child should be using 50 words by 18 months. Playing games like rhyming are simple ways to detect a potential problem long before the child enters school. Let there be no walls of silence around learning disabilities.

March 2005 is dedicated to informing Canadians that learning disabilities and attention deficit hyperactivity disorder are different. Each is a distinctive neurological disorder. As many as 80 per cent of children with ADHD have a learning disorder, and 30 to 40 per cent of people with a learning disability also have ADHD; yet, the two diagnoses are different and each requires special intervention. They must not be lumped together.

Each child with ADHD deserves to have his or her special attributes developed to the fullest. Creativity, intuition and empathy in abundance may lie beneath the surface, awaiting opportunity for expression. Each child with a learning disability deserves the extra effort required to provide the intensive reading program needed to succeed at school and in life.

Remember that many of these children have high IQs. If a child can crack the code surrounding words so that he or she may read, I know that we can crack the lethargy which exists, even in 2005, around learning disabilities.

• (1430)

That is the challenge of this month and of every month. The will, the funding and the effort must be greater year by year. Thousands of children are waiting. As an advocate for literacy, the joy, the power and the comfort of books is my theme.

[Translation]

The joy, the power and the comfort of books opens this door for all of us.

[English]

#### COMMISSION FOR AFRICA REPORT

**Hon. Donald H. Oliver:** Honourable senators, the Commission for Africa is a 17-member group of world leaders led by British Prime Minister Tony Blair. On March 11, the commission released its long-awaited report calling for a massive increase in international funding to help poor countries of Africa. This report was touted by the *Guardian* newspaper to be the most serious analysis of Africa's problems in a generation.

The key recommendation in the 453-page report urged G8 countries to spend 0.7 per cent of their annual income on aid to Africa, with specific, measurable plans for meeting this target. Finland has said that it will reach 0.7 by 2010, France and Spain by 2012 and Britain by 2013, but even with the extra \$3.4 billion increase over the next five years that was contained in the 2005 budget, Canada's foreign aid will still only rise to 0.3 per cent of its annual GDP.

Honourable senators, I cannot think of a more significant global initiative than the recently released report by the Commission for Africa which calls for the doubling of aid, the dismantling of trade barriers, the write-off of debts and, most critically, the stamping out of corruption. The editorial in the March 14 edition of the *National Post* agreed. It stated that a strong civil service, good laws enforced by an independent judiciary, respect for human rights and an aversion to corruption must be prerequisites for effective aid.

Honourable senator, this is where I believe Canada can play an important role. As *The Globe and Mail* columnist Ken Wiwa accurately observed in his weekly column on March 12, corruption and bad governance in Africa are rooted not only in the cabinets of African governments but also in corporate boardrooms in Europe and North America.

Honourable senators, Canada is part of the G20, a forum of 20 industrialized and emerging market nations that work to foster worldwide economic prosperity. Canada can and should be a leader among the G20 nations in teaching and applying good governance principles to how industrial nations and emerging market countries contribute aid to Africa. Meeting the Commission for Africa's aid benchmark of 0.7 per cent of Canada's annual GDP income would be a good place to start.

## SRI LANKA

### VISIT BY CANADA-SRI LANKA BUSINESS COUNCIL AND CANADA-SRI LANKA PARLIAMENTARY FRIENDSHIP GROUP

**Hon. Joseph A. Day:** Honourable senators, I would draw to your attention a matter of some historical importance. Last week, a joint delegation of the Canada-Sri Lanka Business Council and the Canada-Sri Lanka Parliamentary Friendship Group visited Sri Lanka. The purpose of the visit was business development.

The delegation had been planning this trip for some time prior to the tsunami. The tsunami devastation is well known to all of us, honourable senators. Over 30,000 were killed; 1 million Sri Lankans were displaced from their homes; and 197 schools and 92 health facilities were destroyed. There is some indication of recovery and rebuilding following the tsunami devastation, but many people are still living in temporary camps. Indeed, some are finding temporary shelter in schools.

We were complimented on the performance of our Disaster Assistance Response Team, DART, in Sri Lanka.

An item of interest to senators relates to the train that was swept off the tracks by the tsunami. The name of the locomotive is the *Manitoba*. That was a gift from Canada during the Colombo Plan in 1950. That locomotive is still operating and the trains are back on track.

Honourable senators, the business council delegation was made up of Tamils, Sinhalese, Christians, Muslims and Hindu, all ex-patriot Sri Lankans living here in Canada who had seen how one can progress socially and economically in a diverse, pluralistic society under a federal system. We discussed that issue at length.

There is no direct tie-in, honourable senators, between the civil war that had been going on for some period and the tsunami relief, but indirectly there is some link. The parties had not discussed the civil war for almost three years, and we were told that, had it not been for the tsunami, that war might well have broken out again.

We would urge our government and others to recognize that encouraging the parties to talk about rebuilding and redevelopment following the tsunami is an opportunity to plan and build for the future.

On behalf of the Senate, I thank the Canada-Sri Lanka Business Council for its initiative and assistance to the Sri Lankan people and to world peace and development.

[Translation]

## INTERNATIONAL DAY OF THE FRANCOPHONIE

**Hon. Rose-Marie Losier-Cool:** Honourable senators, Sunday, March 20, was International Day of the Francophonie. Last Sunday, I was at home in Tracadie-Sheila, New Brunswick. I was representing the Minister of Canadian Heritage, the Honourable Liza Frulla, on this day, which has a very special place in my heart and that of my fellow Acadians.

French is a beautiful and marvelous language. Many of us speak it and love it. It certainly has its place in the Senate.

French is one of our two official languages in Canada and New Brunswick. French is well respected in our country and, as francophones, we consider ourselves lucky.

However, the Francophonie is bigger than Acadia, bigger than New Brunswick and bigger than Canada. It includes over 70 countries with French as a common language. And not all these countries necessarily accord French the same status Canada does.

Last week I was in Louisiana, and I must say I greatly admire the Cajuns. They are to be commended for having been able to resist the enormous Anglophone American machine, English TV, English radio and everything else that puts their culture at risk of assimilation. But theirs is a difficult struggle. We hear and see increasing evidence of how English is making inroads, and I share the fears of my Cajun friends. That is why our Acadians are a wonderful example I would like to see the international Francophonie come to know, acknowledge and imitate. We



Acadians have managed to protect our French, thanks to our determination and to great leaders such as the Honourable Louis Robichaud. Today we are proud to use our French from coast to coast.

Yes, the battle to hold our ground continues, but we have faith in our future in French. To win a battle, however, people have to be willing, and able, to fight. In other parts of the Francophonie, some countries are no longer willing, and they are allowing English to gradually but inexorably take over from French. I am thinking here of such bastions of French as France. There are other regions, like Louisiana, where French-speakers want to continue the battle but are unable to do so.

As a member of the Francophonie, Canada has a duty to do all that it can to defend French, not only within its own borders, which it does well incidentally, but also within the borders of its friends. I have already spoken here about my conviction that Canada has a lead role to play within the international Francophonie, and I maintain that conviction. If we can help out our francophone friends and colleagues in difficulty, let us do so. After all, French is the key to an immense transnational culture.

• (1440)

## ROUTINE PROCEEDINGS

### PARLIAMENTARY DELEGATION TO UNITED ARAB EMIRATES, BAHRAIN AND UNITED KINGDOM

JANUARY 13-21, 2005—REPORT TABLED

**Hon. Dan Hays:** Honourable senators, with your permission, I have the honour to table a report on a parliamentary delegation which I led and which travelled to the United Arab Emirates from January 13 to 16, 2005, to the Kingdom of Bahrain from January 16 to 19, and to the United Kingdom from January 19 to 21.

[English]

### INAUGURATION OF PRESIDENT OF AFGHANISTAN

REPORT OF CANADA'S REPRESENTATIVE TABLED

**Hon. Daniel Hays:** Honourable senators, with leave of the Senate, I have the honour to table a report of my trip to Kabul, Afghanistan, on December 7, 2004, to represent Canada at the inauguration of the President of Afghanistan, Hamid Karzai.

**Hon. Fernand Robichaud (The Hon. the Acting Speaker):** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

[ Senator Losier-Cool ]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### SIXTH REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey,** Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, March 22, 2005

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

### SIXTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2005-2006.

#### Agriculture and Forestry (Legislation)

Professional and Other Services	\$ 2,400
Transport and Communications	\$ 1,000
Other Expenditures	\$ 1,300
<b>Total</b>	<b>\$ 4,700</b>

#### Energy, the Environment and Natural Resources (Legislation)

Professional and Other Services	\$ 18,000
Transport and Communications	\$ 0
Other Expenditures	\$ 2,000
<b>Total</b>	<b>\$ 20,000</b>

#### Foreign Affairs (Legislation)

Professional and Other Services	\$ 3,000
Transport and Communications	\$ 750
Other Expenditures	\$ 750
<b>Total</b>	<b>\$ 4,500</b>

#### Scrutiny of Regulations (Legislation)

Professional and Other Services	\$ 2,820
Transport and Communications	\$ 1,650
Other Expenditures	\$ 2,640
<b>Total</b>	<b>\$ 7,110</b>

#### Social Affairs (Legislation)

Professional and Other Services	\$ 6,000
Transport and Communications	\$ 0
Other Expenditures	\$ 2,000
<b>Total</b>	<b>\$ 8,000</b>

#### Transport and Communications (Legislation)

Professional and Other Services	\$ 10,000
Transport and Communications	\$ 0
Other Expenditures	\$ 2,000
<b>Total</b>	<b>\$ 12,000</b>

Respectfully submitted,

GEORGE J. FUREY  
Chair

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SEVENTH REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey**, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, March 22, 2005

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SEVENTH REPORT

Your Committee recommends a 2.5 per cent economic increase effective April 1, 2004, a 2.4 per cent economic increase effective April 1, 2005, and minor changes to the terms and conditions of employment to unrepresented employees of the Senate Administration.

Respectfully submitted,

**GEORGE J. FUREY**  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ENERGY, THE ENVIRONMENT  
AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ON STUDY  
OF ISSUES RELATED TO MANDATE PRESENTED

**Hon. Tommy Banks**, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Tuesday, March 22, 2005

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004, to examine and report on emerging issues related to its mandate, respectfully requests the approval of funds for fiscal year 2005-06.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing

Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

**TOMMY BANKS**  
*Chair*

*(For text of budget, see today's Journals of the Senate, Appendix A, p. 624.)*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Banks, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE ON STUDY  
OF MEDIA INDUSTRIES PRESENTED

**Hon. Joan Fraser**, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, March 22, 2005

The Standing Senate Committee on Transport and Communications has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004, to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto, respectfully requests the approval of funds for fiscal year 2005-06.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

**JOAN FRASER**  
*Chair*

*(For text of budget, see today's Journals of the Senate, Appendix B, p. 632.)*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fraser, report placed on the Orders of the Day for consideration at the next sitting of the Senate.



[English]

## TELEFILM CANADA ACT

### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Joan Fraser**, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, March 22, 2005

The Standing Senate Committee on Transport and Communications has the honour to present its

#### SIXTH REPORT

Your Committee, to which was referred Bill C-18, *An Act to amend the Telefilm Canada Act and another Act*, has, in obedience to the Order of Reference of Wednesday, February 23, 2005, examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations relating to the Bill.

Respectfully submitted,

JOAN FRASER  
Chair

#### Observations to the Sixth Report of the Standing Senate Committee on Transport and Communications (Bill C-18)

Your Committee notes that the Bill does not include specific definitions of the audio-visual and sound recording industries. Your Committee further observes that clarity is always desirable in legislation. Your Committee notes, however, that the Minister has undertaken to include specific definitions in the new Act, which will be forthcoming, to modernize Telefilm Canada.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Chaput, bill placed on the Orders on the Day for third reading at the next sitting of the Senate.

## THE ESTIMATES, 2004-05

### REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) PRESENTED

**Hon. Donald H. Oliver**, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, March 22, 2005

The Standing Senate Committee on National Finance has the honour to present its

#### FOURTH REPORT

Your Committee, to which was referred the Supplementary Estimates "B" 2004-05, has, in obedience

to the Order of Reference of Monday, March 7, 2005, examined the said estimates and herewith presents its report.

Respectfully submitted,

DONALD H. OLIVER  
Chairman

(For text of report, see today's Journals of the Senate, Appendix C, p. 640.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

### REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED

**Hon. Donald H. Oliver**, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, March 22, 2005

The Standing Senate Committee on National Finance has the honour to present its

#### FIFTH REPORT

Your Committee, to which was referred the Estimates 2004-2005, has, in obedience to the Order of Reference of Wednesday, October 20, 2004, examined the said estimates and herewith presents its report.

Respectfully submitted,

DONALD H. OLIVER  
Chairman

(For text of report, see today's Journals of the Senate, Appendix D, p. 654.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

## THE ESTIMATES, 2005-06

### FIRST INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED

**Hon. Donald H. Oliver**, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, March 22, 2005

The Standing Senate Committee on National Finance has the honour to present its

## SIXTH REPORT

Your Committee, to which was referred the Estimates 2005-2006, has, in obedience to the Order of Reference of Monday, March 7, 2005, examined the said estimates and herewith presents its first interim report.

Respectfully submitted,

DONALD H. OLIVER  
*Chairman*

(For text of report, see today's Journals of the Senate, Appendix C, p. 664.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1450)

## NATIONAL SECURITY AND DEFENCE

## NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Tommy Banks:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on Tuesday, April 5, and Wednesday, April 6, even though the Senate may then be adjourned for a period exceeding one week.

## NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Tommy Banks:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3) to sit on Monday, April 11, 2005, even though the Senate may then be adjourned for a period exceeding one week.

## HUMAN RIGHTS

## NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3), the Standing Senate Committee on Human Rights be authorized to meet on Monday, April 11, 2005, even though the Senate may then be adjourned for a period exceeding one week.

## QUESTION PERIOD

## PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

## HALIFAX PORT AUTHORITY—CUTBACK IN NUMBER OF PATROLLING POLICE OFFICERS

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, Roman history has it that March 15 is not always a good day for Senate work. This past ides of March saw the government cut down the Standing Senate Committee on National Security and Defence on its report entitled, *Canadian Security Guide Book*. On that day it was announced that the number of Halifax regional police officers patrolling the Halifax port would be cut from nine to three. The CBC stated that the security force —

... is about to be scaled back to only three officers patrolling the water and the entire port. Starting in two weeks, there will be no officers working the night shift and no water patrols on weekends.

Can the Leader of the Government in the Senate explain why Canada's largest port on the Atlantic Ocean will be left virtually undefended?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the port authority is an autonomous authority that acts in the management of the port, free of direction from the Government of Canada. However, I would be pleased to make inquiries in the hope that I can provide some assistance.

**Senator Kinsella:** I thank the honourable minister for that undertaking because, as honourable senators know, we do not want Halifax, the only Canadian port with dedicated policing resources on site, to have those resources cut.

I made reference to the good work of our colleagues on the Standing Senate Committee on National Security and Defence. The report that the committee tabled in this chamber, *Canadian Security Guide Book*, repeated its 2003 recommendations which were that port policing is a national responsibility and that the RCMP should be the lead police force with "adequate funding to combat security breaches caused by the presence of organized crime at those ports."

With respect to the need for security vigilance in this era of terrorism, when might we hear from the government about whether it will follow the recommendations of our committee and properly fund the existing RCMP national port enforcement teams in Halifax, Montreal and Vancouver and set up teams in Canada's remaining ports?

**Senator Austin:** Honourable senators, on March 15, 2005, the ides of March, the government announced a marine security program with new projects to enhance security at Canadian ports and marine facilities. This program is called the Marine Security Contribution Program. It is a three-year, \$115-million program that will help Canada's ports and marine facilities modernize and strengthen their security systems. It is part of a \$308-million national security policy, which was announced April 27, 2004. This first round of funding, announced on March 15, 2005, will



provide \$23.6 million to 69 ports and marine facilities across the country to be used for security enhancement, such as surveillance equipment, dockside and perimeter security, command, control and communications equipment and training. There will be a second round of funding starting in April 2005.

#### PORT SECURITY—FUNDING FOR POLICE OFFICERS

**Hon. J. Michael Forrestall:** Could the Leader of the Government in the Senate translate that into fiscal years of employment of live police officers, not wire fences and cameras?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I would have to go back to my first answer to Senator Kinsella. The port is managed, including its security programs, by an autonomous port authority, and questions relating to security decisions are the responsibility of that authority. I have information that I can provide, but I will not, at the moment, go into detail with respect to all of the ports of Nova Scotia.

However, with respect to the port of Halifax, one contract amounting to \$115,207 has been awarded for perimeter security and access control measures, security and surveillance equipment, and command, control and communications equipment. Another contract was awarded to the Halifax Port Authority for \$220,108 for similar purposes, as well as a final contract for the same purpose in the amount of \$31,405.

• (1500)

Substantial sums are also given to other ports in Nova Scotia for the same security purposes, such as Point Tupper, \$387,734; and Sydney, a batch of contracts that total in excess of \$160,000.

**Senator Forrestall:** Honourable senators, without attributing the responsibility for the situation we find ourselves in to the federal government alone, would the minister not now acknowledge that the funding brought forward a year ago last April — and hopefully to be followed by some more — so far does not provide for the employment of any police officers?

**Senator Austin:** Honourable senators, I cannot confirm that because I am not familiar with how the funds for security have been applied by the various port authorities. What I have been talking about clearly relates to equipment, and I am sure the honourable senator would agree that this equipment is essential to port security. That is not enough, and more needs to be done with respect to port security. That is the view of our Standing Senate Committee on National Security and Defence. I believe that very good work is being done by that committee.

#### CANADA-UNITED STATES RELATIONS

##### VISIT BY PRIME MINISTER— COMPOSITION OF MINISTERIAL DELEGATION

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. The Prime Minister travels to Texas today to meet with U.S. President George W. Bush and Mexican President Vicente Fox. According to a news release issued by the Prime Minister's Office on Monday, Prime

Minister Martin will be accompanied by Deputy Prime Minister Anne McLellan, Industry Minister David Emerson and Foreign Affairs Minister Pierre Pettigrew. International Trade Minister James Peterson and Agriculture Minister Andy Mitchell are not part of the Canadian delegation.

Given the Prime Minister's promise to push issues such as softwood lumber and getting the border opened to Canadian cattle, would the minister explain why these two ministers are being left behind?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, there are two phases to the Prime Minister's visit to Waco, Texas, and to the ranch of President Bush. There is a phase in their discussion that will deal with bilateral issues. The Prime Minister is well aware of the nature of those bilateral issues and is capable, I assure honourable senators, of advocating Canada's interests.

The multilateral elements will involve discussions relating to North American security and the development of the trilateral relationship. Ministers McLellan, Pettigrew and Emerson are significant to a discussion of that kind.

##### VISIT BY PRIME MINISTER— BOVINE SPONGIFORM ENCEPHALOPATHY AND SOFTWOOD LUMBER AS AGENDA ITEMS

**Hon. Donald H. Oliver:** Honourable senators, softwood lumber and BSE are major items that call for ministerial attention.

Following the Liberal caucus meeting of January 27 in Fredericton, New Brunswick, the Prime Minister said that he would try to schedule a meeting with President George W. Bush and President Vicente Fox for a summit to negotiate change to the North American Free Trade Agreement.

According to the *National Post* of January 28:

The Prime Minister said he raised the need for a meeting with Mr. Bush when he visited Ottawa in November, citing the repeated challenges in the ongoing softwood lumber dispute with the U.S. and the mad cow crisis as items that need to be addressed to make the trade agreement work for the betterment of the continent.

From today's papers we learned that if the subjects of BSE and softwood lumber are raised at all, it might be over lunch.

Why are these two key issues not part of the formal agenda for the meeting?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, perhaps Senator Oliver is not aware that in the last few weeks of this year both Ministers Peterson and Mitchell were in Washington leading delegations and discussing, in the first instance, softwood lumber and, in the second instance, the BSE issue.

Those discussions were held with their U.S. counterparts.

**Senator Oliver:** Were those discussions with the President?

**Senator Austin:** Those discussions were with their counterparts in the U.S. cabinet, and with members of the Congress who are very important in terms of trade issues. The Prime Minister will be addressing those two issues in his bilateral discussions with the President.

## FINANCE

### ESCALATION IN USE OF OFFSHORE TAX HAVENS

**Hon. David Tkachuk:** Honourable senators, last week Statistics Canada revealed that Canadian direct investment in offshore tax havens has soared eight-fold since 1990 to reach a whopping \$88 billion in 2003.

More than two years ago, in her 2002 report, the Auditor General warned the government that the use of tax havens was escalating. The government's response was to recite a list of measures taken to curb the problem.

Is the government planning to treat this latest revelation as a wake-up call, or does it plan to keep these loopholes open at the same time that it keeps our tax rates well above those of our competitors?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am not in any way accepting the conclusion of Senator Tkachuk that investment practices by Canadian individuals and entities have anything to do with tax rates in Canada. Canada has an adequate capital market. Canada is also a normal investor in foreign countries. It is often the case that trade follows investment.

If Senator Tkachuk has a particular problem to point to, I would be interested to hear it.

**Senator Tkachuk:** The recent budget did shave a few points off the corporate tax rates, but Canadians, including the owners of Canada Steamship Lines, have placed \$25 billion direct investment in Barbados alone.

Perhaps the leader could advise the Senate as to why the government has failed to take any action to date that would make a dent in the use of offshore tax havens. For example, why has the government not suspended the Canada-Barbados Tax Treaty, or does the owner of Canada Steamship Lines like the status quo?

**Senator Austin:** Honourable senators, the reference to a particular corporate entity or taxpayer is unwarranted in any circumstance, and that is an improper use of the privileges of this chamber.

With respect to the rest of the question of Senator Tkachuk, I am sure the honourable senator is aware that Americans, Europeans and other business entities use tax havens all over the world. Canada's economic interests must be competitive. Canada's capital must be competitive with those foreign investment practices. To do otherwise would be another policy by Senator Tkachuk to withdraw support from Canadian business, and perhaps by others on whose behalf he may be speaking.

**Senator Tkachuk:** Honourable senators, much of the money invested in these offshore tax havens is borrowed in Canada and is fully deductible against Canadian income. In 1997, the Technical Committee on Business Taxation, headed by Jack Mintz, recommended to then Finance Minister Paul Martin that our tax laws disallow a deduction on debt incurred to invest in a foreign affiliate. Two years ago, the Auditor General said in her 2002 report, "there is still an incentive for Canadian subsidiaries of foreign-owned multinationals to borrow in Canada."

Would the Leader of the Government in the Senate tell honourable senators why the loophole remains open?

**Senator Austin:** Honourable senators, I am not suggesting for a moment that this is a loophole. I am suggesting that the ability of Canadians to invest capital offshore is part of the normal operation of international commerce. Canadians must be able to take advantage of Canadian laws and foreign laws within the appropriate and legal limits of those laws. There is no allegation here that anyone is acting contrary to the laws of Canada or any other jurisdiction.

Senator Tkachuk may wish to quarrel with a globalized financial system that exists for international business around the globe, and that is fine. The matter of the current tax system that allows Canadian capital to go offshore is not an exceptional one.

• (1510)

**Senator Tkachuk:** Honourable senators, Jack Mintz and the Auditor General seemed to think there was a problem with it. Perhaps these reductions would reduce the gaps, and perhaps we could get Canada Steamship Lines and other such companies to reflag their vessels right here in Canada.

**Senator Austin:** Honourable senators, it is the government's view that the present tax regime is satisfactory with respect to offshore investment. All policies of a tax nature are continuously under review.

## HEALTH

### CANADIAN FOOD INSPECTION AGENCY— BRITISH COLUMBIA AVIAN FLU OUTBREAK— JURISDICTIONAL PROBLEMS

**Hon. Pat Carney:** Honourable senators, my question relates to a report by a scientific adviser with the Canadian Food Inspection Agency, CFIA, that concluded that the jurisdictional confusion between various levels of government led to the spread of avian flu during the avian flu crisis in B.C. in 2004. The Canadian Food Inspection Agency confirmed the first cases of avian flu in the Fraser Valley in February 2004 and, as we are all aware, the World Health Organization, WHO, has warned of a possible pandemic of this flu.

The CFIA report says that there was a lack of clarity about who made key decisions and there was weak coordination with outside federal and provincial agencies. What concrete measures is the federal government taking to adjust these jurisdictional problems, should a similar crisis occur in the future, as anticipated by the WHO?



**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is my understanding that an agreement on procedure in a similar situation has been arrived at between the federal government and the Province of British Columbia.

CANADIAN FOOD INSPECTION AGENCY—  
BRITISH COLUMBIA AVIAN FLU OUTBREAK—  
DISTRIBUTION OF BIO-SECURITY EQUIPMENT

**Hon. Pat Carney:** Honourable senators, it would be useful to know what that procedure is in order that we can respond to it.

The CFIA report concluded that lax bio-security led to the spread of avian flu during the 2004 crisis in B.C. The report followed a lessons-learned review of earlier this year that concluded that during the crisis CFIA workers at infected farms wore full biological safety gear while farm employees had none. If safety gear is sauce for the government goose, will safety gear be offered to the private sector gander? What specific emergency plans to provide Canadian citizens with bio-security equipment and services can the minister share with us?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I cannot answer the question with respect to specific plans to equip farm workers with the same level of bio-security as CFIA officials had. I will look into the question of the details of the agreement, and hope to be able to provide Senator Carney with some additional information.

## TRANSPORT

### BANKRUPTCY OF JETSGO AIRLINES

**Hon. Marjory LeBreton:** Honourable senators, my question relates to the recent collapse of the discount airline Jetsgo. The manner in which the Minister of Transport has handled this file has come under heavy criticism. Thousands of passengers across Canada and in other parts of North America were stranded. Former Jetsgo employees could not cash their paycheques and the transport minister left the country soon after the airline went under. As well, there have been calls in Canada, including from the Consumers' Association of Canada, for Transport Minister Jean Lapierre to resign.

Can the Leader of the Government in the Senate tell us what lessons, if any, the government has learned from what happened with Jetsgo? When an airline shuts down in such a disorderly fashion, is the federal government completely powerless? Could the government not have done more to warn consumers about Jetsgo's fragile state prior to its shutdown?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, first, I do not agree that there was heavy criticism of the Minister of Transport. A number of articles that appeared in newspapers and on television said that this was a matter entirely in the private sector, and that there was no role the Minister of Transport could have played in this shutdown.

The Government of Canada was not given notice by the managers of Jetsgo that they planned to shut this airline down. If the Government of Canada had such notice, there was nothing it

could do to prevent the airline from being shut down. Jetsgo operates entirely in the private sector and under the business rules of that sector.

### AIRPORT AUTHORITIES—RENTAL FEES

**Hon. Marjory LeBreton:** Honourable senators, under the watch of the Liberal government, Jetsgo was the tenth domestic air carrier to fold in 12 years. Without getting into the specifics of what happened with Jetsgo, it seems clear that Liberal air transport policy is a dismal failure. Airlines are hamstrung by high taxes, including the air security tax, and airports are being squeezed for cash by government rent charges. Airports are scheduled to pay \$305 million in rent in 2005. This figure increases by 20 per cent in 2006 to \$367 million. The \$145 million annual rent burden at Pearson International Airport has helped make that airport the second most expensive in the world at which to land a plane. The federal government provides nothing in return for the money. Rent costs get passed along to the airlines and passengers in the fees and charges that they pay.

When will this government finally get serious about addressing its dismal air transport policy and what, if anything, is it planning to do to address this urgent situation?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the government's air transport policy was inherited, in part, from the Mulroney government, particularly with respect to the offloading of airports. Having said that, I want to make clear to the chamber that the Jetsgo situation and airport rents are not related. I want to make clear to the chamber that the airline industry in North America has been under enormous stress due to the events of September 11, 2001 in New York, due to increases in the cost of fuels and due to the decline in the use of air transport by passengers across North America. Five U.S. airlines are still operating under bankruptcy protection. Air Canada operated under bankruptcy for two years before it was able to reorganize its finances. This is the way the industry is operating today.

I find very interesting the implied premise of Senator LeBreton that the state should step back into the marketplace and play a role in commercial activities in that market, and wonder if she is speaking for her political party.

## PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

### TRAINING OF PALESTINIAN SECURITY FORCES

**Hon. J. Michael Forrestall:** Honourable senators, can the Leader of the Government in the Senate tell us whether the Government of Canada has offered either military personnel or RCMP to help train Palestinian security forces? If so, what plans have been put in place for deployment? When would they go; how much money has been set aside for this; will there be any recovery; and what would be the withdrawal plan?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I have no information on that matter. Senator Forrestall is often ahead of the curve on these questions. I will make inquiries. I know that Canada is looking to play a helpful role with the parties in the Palestine-Israel situation, as we are with respect to assisting the new Iraqi government, particularly in areas related to training police.

I will do my best to provide Senator Forrestall with details on that matter.

• (1520)

## POINT OF ORDER

### SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, before proceeding further, I would like to make a statement relating to BlackBerry interference with the audio system.

On Wednesday, March 9, Senator Bryden raised a point of order to complain about sound interference that has been occurring lately several times every sitting day. Some other honourable senators joined in on the point of order which quickly focused on the growing use of BlackBerries in the chamber as the possible source of the problem.

[Translation]

At the time, I agreed that the problem is an annoyance that can interfere with a Senator's ability to listen and participate in debate. I also said that I would ask the Table to investigate the matter further.

In the time that has lapsed, the Information Systems Directorate has conducted a study of the problem and has prepared a brief report which I have had distributed to all senators.

[English]

Informatics has confirmed that certain types of BlackBerries can create problems with the sound system that we use in this chamber. While I do not pretend to understand all aspects of this problem, it seems to be that certain BlackBerries use wireless technology that causes feedback problems with the Senate's sound system. These same BlackBerries are causing similar problems in the House of Commons and its committees. As a consequence, the House has issued an instruction to turn off certain BlackBerry devices when the members are in the chamber or in committees. I do not know if the Senate will want to take the same course of action.

[Translation]

In saying this, I am reminded of the intervention of Senator Joyal on March 9. The Senator correctly cited rule 19(4) prohibiting the introduction of any electronic device which produces any sound. In this case the Blackberries do not actually produce the sound, but cause a sound to be produced by interfering with the Senate's audio system.

[English]

For the time being, I should ask honourable senators to be mindful of the BlackBerry models, which have been identified by the Information Systems Directorate as the source of this feedback problem. If honourable senators who possess BlackBerries with the wireless platform that causes interference can turn them off when in the chamber, it should go some way in reducing the problem of interference.

I want honourable senators to know that I also intend to bring this matter to the Speaker's Advisory Committee for their advice as to the best approach for establishing an effective solution to this problem.

Thank you, honourable senators.

## PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Before I proceed, I would like to welcome a visiting page from the House of Commons, Flora Lafferthson. She is pursuing her studies at the University of Ottawa. Ms. Lafferthson is from Toronto, Ontario.

Welcome to the Senate.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, I have to confess that I am one of those who is guilty of using a Rogers BlackBerry in this chamber, as you can hear. It does not cause interference if you keep it away from a live mike. If you are going to speak, keep it under the desk. If you use the BlackBerry in this chamber, it must be turned off when you speak.

## ORDERS OF THE DAY

### FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

#### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Pépin, for the third reading of Bill C-39, to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment.

**Hon. Wilbert J. Keon:** Honourable senators, Bill C-39 will amend the Federal-Provincial Fiscal Arrangements Act to implement the First Ministers' Health Accord of September 2004, known as the 10-year plan to strengthen health care.

Bill C-39 is the structural framework for the intelligent expenditure of \$41 billion over that 10-year period. As I mentioned previously, this bill deserves our unanimous support, and should be passed quickly so the provinces can get on with the reforms that this money makes possible.

I rise again today, however, to draw attention to the need to exercise caution in the way in which this money is released. I join Senator Carstairs in her concerns about the infusion of these large sums of health care dollars without careful accountability.



The pressing issues of strengthening primary care and community care have not received adequate attention. If we are ever to see meaningful and lasting change, we must develop primary care at the community level where we can intelligently deal with access, emergency care, home care, palliative care and public health issues.

There will be no quick fix for our health care system, and money alone is not the solution. We must dedicate ourselves to the constant monitoring and assessment of the progress that these huge expenditures are achieving.

What will be the effect of the new higher base of \$19 billion for the Canada Health Transfer, the \$500 million for catastrophic drug coverage, first-dollar coverage for home care, acute community home care, end-of-life care, the automatic escalator of 6 per cent per year, reductions of long wait times for tests and treatments, and the doubling of cash transfers over 10 years? How effective will these initiatives be?

Health is an issue for everyone, so I ask all honourable senators to join me in carefully observing what transpires. We have an opportunity for review in 2008, and we must be well prepared. However, we cannot wait that long. We must be vigilant on an ongoing basis so that this great opportunity for significant change does not get lost. This is a huge investment in health care. We must be sure we get optimal results.

**The Hon. the Speaker:** No senator rising to speak or address the matter further, I ask honourable senators if they are ready for the question to be put.

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

## STATISTICS ACT

### BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Losier-Cool, for the third reading of Bill S-18, to amend the Statistics Act;

And on the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Cochrane, that Bill S-18 be not now read a third time but that it be amended in clause 1, on page 1, by replacing line 8, with the following:

“between 1910 and 1918 is no longer subject to”.

**Hon. John Lynch-Staunton:** Honourable senators, I should like to speak to the amendment and, in general terms, to the bill itself.

When questioned by Senator Comeau at the committee that was holding hearings on this bill on February 24 as to why the Chief Statistician supported Bill S-18 after being the one whose signature on census forms assured respondents of confidentiality, Mr. Ivan Fellegli replied:

I shared your view, and I acted on that belief. That was the advice we had received from the Department of Justice until some years ago — although I do not remember the exact date that it was changed. I received a clear change of perspective from the Department of Justice.

• (1530)

Justice has a bad habit of tailoring opinions to suit its client. Anyone who remembers the Pearson bill and the Airbus affair amongst other Department of Justice embarrassments, to put it mildly, is better off relying on his or her own judgment, which is why I ask colleagues to do so as I introduce a number of firm government pledges of confidentiality made over many decades and which this government, with Bill S-18, is shamelessly urging that they be repealed.

No Department of Justice opinion can contradict the obvious meaning of what has been pledged since 1918 when an act respecting the Dominion Bureau of Statistics was passed. Subsection 15(1) states:

No individual return, and no part of an individual return, made, and no answer to any question put, for the purposes of this Act, shall, without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which the return or answer was made or given, be published, nor, except for the purposes of a prosecution under this Act, shall any person not engaged in connection with the Census be permitted to see any such individual return or any such part of any individual return.

The 1931 Proclamation of the Census, published in the *Canada Gazette*, contains the following paragraph:

The sole purpose of the Census is to secure general statistical information regarding the population, agriculture, and trade of the country, and information is required from individuals only to permit the completion of such general statistics. The Census cannot be used in connection with taxation, with military or jury service, with the compulsion of school attendance, with the regulation of immigration or with the enforcement of any national, state or municipal law or by-law. For the due protection of the rights and interests of the persons furnishing information, every officer, agent or other person employed by the Dominion Bureau of Statistics is bound by oath under a heavy penalty to keep inviolate the information entered on the schedule or forms.

Following the 1941 census, page 17 of the statisticians' report under the heading, “Secrecy of the Census,” states: “The answers given by the individual to census questions are in every instance held absolutely confidential.” It more or less goes on to the sentiments that I quoted earlier.

Regulation 31 has the reference, “Secrecy of census information provided for” and it reads as follows:

Every officer or other person employed as census commissioners, census enumerator, or any other capacity under the Statistics Act is required to keep inviolate the secrecy of the information gathered from the public and entered on the schedules or forms. An enumerator is not permitted to show his schedules to any other person, nor to make or keep a copy of them, nor to answer any questions respecting their contents, directly or indirectly; and the same obligation of secrecy is imposed upon commissioners and other officers of the outside service, as well as upon every officer, clerk or other employee of the Dominion Bureau of Statistics at Ottawa. The custody of census and other statistical records pertains solely to the Bureau, the Act expressly stating that no individual report or return shall be published or divulged. Moreover, no officer or employee of the bureau is permitted to make a search among the records for information relating to an individual return, except for purposes of verification under the Act. The facts and statistics of the census may not be used except for statistical compilations.

Since 1918, there have been repeated pledges of confidentiality and secrecy.

Under the heading at the top of the page for the 1941 Census of Agriculture, in bold print we see the following: "The information on this report will not be used as a basis for taxation, nor communicated to any assessor or other government department."

In 1948 An Act respecting the Dominion Bureau of Statistics was passed with pretty much the same language with respect to secrecy provisions.

In 1971 an answer booklet was published by the Dominion Bureau of Statistics and one question was: "How do I know that the information that I give to the Census Representatives is kept confidential?" The answer in the booklet stated: "The census is required by law to keep all the information it gathers strictly confidential." This is a government document repeating the same pledge that has been made since 1918 respecting information given through the census. It goes on to state:

Records of the census questionnaire are kept under lock and key by the Dominion Bureau of Statistics. They can only be searched for a person when he submits an application to obtain verification of facts concerning himself alone, such as his age for old age pension benefits.

Therefore, the only person entitled to seek out information on a census form is the person who filled out the form. The same 1971 booklet claims that, "Census records are not exchanged with any other government agency." It goes on to state: "Similarly, the Dominion Bureau of Statistics may not divulge any individual census statistics to government departments or agencies at any level, or to any non-government agency, or to any individual or private concern."

On the census form in 1971, over the signature of the Dominion Statistician, is the following paragraph:

The Census of Canada is taken under the authority of the Statistics Act, which requires everyone to provide the

information requested. The same Act guarantees that information you provided about yourself in the census questionnaire will be kept secret and used only to produce statistics. It ensures that no one will know what answers you gave except for DBS employees and they are subject to legal penalties if they disclose personal census information to anyone else. No other individual and no other government department is permitted access to your census questionnaire.

In 1981, the census form had the following on the cover:

The information you have given will be kept confidential and used only for the production of statistics. No one will see the answers you give except for persons sworn to secrecy under the Statistics Act. These persons are subject to prosecution and legal penalties if they disclose personal census information.

In effect, Bill S-18 wants Parliament to cancel and abrogate all those pledges made for over 80 years by Parliament.

Finally, in the last census form in 2001, a heading states, "The Law Protects What You Tell Us" and then we see the following paragraphs:

The confidentiality of your census questionnaire is protected by law. All Statistics Canada employees have taken an oath of secrecy. Your personal census information cannot be given to anyone outside Statistics Canada — not the police, not another government department, not another person. This is your right.

Your census questionnaire will be retained in accordance with legislative requirements and will be stored securely. You can ask to see the information you gave about yourself on your 2001 Census questionnaire after November 2001.

Since 1918 there has been a pattern of confidentiality, privacy, no access to the information except to those allowed under the act and the individual who filled out the form.

From 2006 onward, according to Bill S-18, there will be an opt-in clause. That means that the respondent, to agree that the information may be released after 92 years, will have so indicate. If there is no indication, then the information would be kept in confidence in perpetuity, so it says right now. Leaving it up to the respondent to decide is the right thing to do, as in the case of being listed on the National Register of Electors. When we receive our income tax form, there is a provision to indicate whether or not we want to have our name added to the National Register of Electors by ticking off a box saying yes or a box saying no. An explanatory note comes with the form and provides information on what it means to say yes, which means that you will be on the list, and what it means if you say no, which means that you will not be on the list. There is no editorial comment or suggestion as to the government's preference. You do not lose your right to vote by ticking no or not ticking at all. It just says that by saying no the information regarding your address may not be as up-to-date as it should be, and information on the election may not reach you. The option is left to the individual on his income tax form to say yes to be on the list, and if the answer is no, you are not on the list.



• (1540)

In the case of the next census questionnaires, there will be this opt-in clause, which by itself is an excellent idea. Yesterday, I quoted a press release and Senator Milne feigned ignorance of it, so I have brought a copy of it dated November 2, 2004, entitled "Government of Canada Introduces Legislation to Enable Access to Historical Census Records." At the bottom of the page it reads:

Statistics Canada in conjunction with Library and Archives Canada, will, as part of the 2006 Census public communications campaign, encourage Canadians to allow further access to their census records to preserve Canada's history for future generations.

In other words, the government is ready to embark on a one-sided campaign to promote access without allowing the case for the other side. To me, it is unheard of to allow confidentiality and at the same time to promote its disadvantages. Think of this: The government says to Parliament, "Give the individual the choice, but at the same time we will tell the individual that there is an advantage to going one way. That same individual, however, will not be told what the disadvantages are."

Remember that the long form requires detailed financial information, including some which the respondent submits on his income tax return. Personal tax information is confidential. Its availability is strictly limited by the Income Tax Act. These limitations will, with Bill S-18, become meaningless as the census questionnaire becomes more intrusive in seeking out information of a personal and confidential nature. What is protected in one government department will be made public by another. The income tax return by itself is protected, as far as revealing information, by the Income Tax Act. It is all specified as to whom it may be available. A lot of the information we put in our income tax return is asked for in the long form for the census questionnaire, and that information, which is protected under one act, will be made available under Bill S-18.

I suppose that we cannot decide today how such concerns will turn out, honourable senators, but we must reconfirm what has been repeatedly pledged in the past — the secrecy and confidentiality of the census returns. By supporting Senator Comeau's amendment, we will honour these commitments and not break faith with those to whom they were made.

**Hon. Pat Carney:** Honourable senators, I would like to ask a question relating to the issue of the confidentiality of the census taker and how it relates to the bill.

About 10 years ago I filled out the long form of the census. A few days later, I received a call from my neighbour across the street on our island. She said, "I have your long form in front of me, and you never answered one question." I asked, "What is the question?" She said, "You did not answer if you were an Aboriginal." I said, "Karen, you know I am Irish. I am not Aboriginal. Why have you got my form?" That was the long form with all the financial detail. She said, "It was sent to me by the census taker to check for accuracy." She lives across the street. I have no way of knowing who else she told, but it is a matter of fact that her husband was bidding to rebuild my dock. His estimate for the work doubled after that, \$8,000 to \$16,000.

How will that situation be addressed in this new bill? There was a total breach of confidentiality when my form was sent somewhere and then sent to my neighbour, who did correct my omission about my Irish roots. How will this bill address this confidentiality issue?

**The Hon. the Speaker:** This information came to me late. The 15 minutes allocated to Senator Lynch-Staunton have expired, so perhaps we should deal with that first.

**Senator Lynch-Staunton:** The bill does not touch on that issue, which is not, unfortunately, peculiar to Senator Carney's situation.

**The Hon. the Speaker:** Does Senator Lynch-Staunton wish to ask for additional time?

**Hon. Bill Rompkey (Deputy Leader of the Government):** Senator Stratton is suggesting five minutes and I would concur.

**Senator Lynch-Staunton:** Senator Carney knows that this is not a situation peculiar to her. It has been an ongoing problem where the long form, particularly in rural areas, is put in the hands of a neighbour to compile and collect. Many a time there has been a peek at it, and it has gone back to the respondent, completely against the law. Neighbours being what they are, unfortunately that cannot be addressed in the law and certainly not in Bill S-18.

What Bill S-18 will allow is that not only does your local enumerator have the information, but it will now be made public to the rest of us.

**Hon. Gerald J. Comeau:** When I was a member of Parliament, I was often asked to help individuals with forms, which I did. I found it quite rewarding because it gave me a chance to meet with constituents. It is the kind of work I have kept up in my role as a senator. I have helped people out when they have received forms because they have placed a certain amount of trust in me. Over the years, I have helped people with the long form especially. They have said to me, "I am being asked to provide a lot of personal information on this form. Do you think I should respond?" I always replied yes. It says right on the form that this information is confidential. They trusted me to help them with it, but when it reaches government, just like income tax returns, the information cannot be divulged. The information is to be used for statistical purposes to help the government plan and map out strategies and prepare public policy.

Now I will have to face those individuals the next time I am asked to help out with the long form. When I am asked if this information is confidential, I will have to say no because Parliament has decided in its wisdom that we can break promises. Mr. Fellegi himself has indicated that he will break the promise. We ourselves, as parliamentarians, have decided that our promises are no longer of any value. Am I wrong in assuming that this is what we should be telling Canadians? The promise on this piece of paper is no longer worth the signature that is written on it. That being the case, would this not create the kind of bad information that government does not need? Government needs proper information to create statistics that will be useful for government planners. What is my honourable friend's view in that regard?

• (1550)

**Senator Lynch-Staunton:** If the authority to divulge the information is worded in such a fashion that the individual understands it clearly and can so indicate, there is no problem. If the government accepts the fact that if you do not so indicate, then the information will not be revealed, then that is fine. I do not think that will cause difficulty.

However, this act will be up for review after two censuses. Perhaps at that time, depending on the responses, the government may be convinced that, if enough people say that the information can be made available, that should apply to everyone. However, that is a matter for those who will be responsible for the census 10 years from now.

If the information consisted only of name, address, age, even religion, sex and such, I would have no problem; that information is available in many places. What bothers me is that more and more of the information being requested on the long form is intrusive and personal. People are asked to disclose their sexual orientation, their employment records, their income, and details about their children. It is very personal information. It may be information that you do not want anyone to see now or even 92 years from now, for whatever reason — perhaps shame, I do not know. However, you have the right to decide on how your own personal information should be distributed, whether or not made public.

I have a feeling that, over the years, the long form will get longer and become more intrusive; and nobody is challenging that. Originally, the census was a statistical compilation; now it has become a socioeconomic one. It is endless and it is intrusive. It is wrong.

If nothing else, we should at least insist that it remain confidential. Certainly, those who filled out the forms in the past on the basis that they were guaranteed secrecy and confidentiality should have that pledge honoured. This bill takes that pledge away as it makes meaningless the word of a government whose commitments made in the past in fact last as long as the person who made them. After that you are on your own.

To answer Senator Comeau's question, if the wording on the form is what you and I and others would like to see, then I do not think there is any problem about that information being divulged in the future. What worries me — and Senator Comeau's amendment will correct that — is, will this chamber accept that information guaranteed to be kept confidential in the past may now be revealed?

[Translation]

**Hon. Madeleine Plamondon:** Honourable senators, I ask that the debate be adjourned in my name.

[English]

**The Hon. the Speaker:** It is not a debatable motion, but did you have a question, Senator Rompkey?

**Senator Rompkey:** Will Senator Plamondon be able to speak today? This matter has been before the Senate for some time now. I do not want to preclude her from speaking, but I would like to hear from her today.

**Senator Lynch-Staunton:** On a point of order, I object to that statement. The bill may have been around a long time but third reading only started yesterday.

[Translation]

**Senator Plamondon:** Honourable senators, there have been new developments since Senator Lynch-Staunton delivered his speech, and I would like to speak to this item tomorrow.

[English]

**The Hon. the Speaker:** I will put the motion. It is moved by the Honourable Senator Plamondon, seconded by the Honourable Senator Trenholme Counsell, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

## THE SENATE

### MOTION TO EXTEND ADJOURNMENT TIME ON MARCH 23, 2005 ADOPTED

**Hon. Bill Rompkey (Deputy Leader of the Government),** pursuant to notice of March 21, 2005, moved:

That, notwithstanding the Order of the Senate of November 2, 2004, when the Senate sits on Wednesday, March 23, 2005, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, March 23, 2005 be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

### COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government),** pursuant to notice of March 21, 2005, moved:

That, pursuant to rule 95(3), the committees of the Senate scheduled to meet on Thursday, March 24, 2005, be authorized to sit even though the Senate may then be adjourned for a period exceeding a week.

Motion agreed to.



## THE ESTIMATES, 2004-05

### REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Finance (Supplementary Estimates (B)), presented in the Senate earlier this day.

**Hon. Donald H. Oliver:** Honourable senators, you now have before you the final report of the Standing Senate Committee on National Finance on the 2004-05 Estimates. This report sums up the committee's work on these Estimates over the 2004-05 fiscal period.

As is customary, the committee held several hearings to examine various aspects of the government's planned expenditures, including numerous meetings on the 2004-05 Main Estimates, two hearings on the Supplementary Estimates (A), 2004-05, and one on the Supplementary Estimates (B), 2004-05.

Three ministers appeared before the committee to explain the government spending plans. The Honourable Reg Alcock, President of the Treasury Board, appeared on three occasions, while the Honourable John McCallum, Minister of National Revenue, and the Honourable Scott Brison, Minister of Public Works and Government Services each appeared once.

Honourable senators, over this past year, the committee also held numerous meetings with senior officials of departments and agencies of Parliament. We had good meetings at which we received full and courteous replies to senators' questions. Where answers were not immediately available, our witnesses agreed to obtain the information and supply it in written form. Indeed, much of this information has already come in and has been distributed to members of the committee.

As a result of these meetings, the committee has already submitted three reports to the Senate this year: a first interim report on the 2004-05 Main Estimates, dated March 2004; a report on the 2004-05 Supplementary Estimates (A), dated December 2004; and a report on the 2004-05 Supplementary Estimates (B), which the committee will submit concurrently with this final report on the 2004-05 Main Estimates.

Allow me, honourable senators, to briefly highlight a few items in the final report of the 2004-05 Estimates. First, I would stress that the members of the committee expressed interest in the government's announcement of the ongoing effort by the Treasury Board Secretariat to provide clearer and more transparent information to parliamentarians. As honourable senators will recall, the Standing Senate Committee on National Finance has been responsible in the past for numerous suggestions to the Treasury Board Secretariat on ways to improve how information is presented to Parliament. This year, we continued to support the government's efforts to provide clearer and more timely information to Parliament.

Second, some senators discussed at length with the Honourable Reg Alcock the changes in the organization of government departments that will have major effects on the governance of the

federal public service. Foremost among these changes is the announced strengthening of the function of the Office of the Comptroller General. In this matter, the committee was fortunate to have Mr. St-Jean, the Comptroller General of Canada, outline his plan to upgrade the function of the Comptroller General in federal departments.

• (1600)

Honourable senators, the committee also explored in some detail the workings of the Expenditure Review Committee of the Treasury Board when it heard on separate occasions from the Honourable John McCallum, Chairman of the Expenditure Review Committee, and the Honourable Scott Brison. As senators are aware, this cabinet-level committee was established by the Prime Minister in December 2003 with the mandate of reviewing all federal spending in order to identify savings that can be redirected from government activities of a low priority to initiatives of higher priority. The Expenditure Review Committee was expected to reallocate some \$11 billion over a period of five years, 2005-06 through 2009-10.

We learned that about half of the targeted allocations of the expenditure review committee could come from departments' identification of their lowest 5 per cent of spending priorities, while the other half would come from cost savings on central government activities through improvements in management efficiency.

Minister Brison explained to the committee how the government expected to realize savings of almost \$6 billion over five years in the purchasing and delivering of services to Canadians. He believed that significant savings could be achieved by centralizing the purchasing functions of government departments and by centralizing the delivery mechanisms for government services. Further savings could be achieved by improving the management of the government's real property portfolio. Finally, additional savings can be achieved through the continuing modernization of the government's information technology systems.

Honourable senators, we have since learned that the February 2005 federal budget provided the details of this expenditure review exercise. The savings anticipated over the next five years will amount to approximately \$0.8 billion in 2005-06, \$1.5 billion in 2006-07, \$2.6 billion in 2007-08, \$2.9 billion in 2008-09 and \$3.1 billion in 2009-10. Honourable senators can read about these matters and other issues in this and other reports submitted by the committee during the current fiscal year.

Honourable senators, please allow me to now turn to a matter that I find of great importance, which is the expenditure plans of the officers of Parliament.

In 2004 the committee began a series of hearings on the financial operations of the officers of Parliament. To date, the committee has heard from the Office of the Auditor General, the Public Service Commission, the Office of the Privacy Commissioner, the Office of the Information Commissioner, the Office of the Commissioner of Official Languages and Elections Canada. The committee's work on this matter is not yet complete, and the committee expects to submit a more complete report on

aspects of its work in 2005-06. However, our discussions with some of the officers of Parliament are highlighted in our report.

A recurring theme among the officers of Parliament who appeared as witnesses before the committee was the difficulty that they are experiencing in attempting to set a budget to carry out the responsibilities assigned to them by Parliament. They shared the view that inadequate levels of funding have resulted in a weakened ability on their part to do the work Parliament asked them to do. However, it is not only that their budgets may be too restrictive that causes them concern, but rather that the process by which their budget is set may no longer be appropriate for the role that they are required to fulfil as officers of Parliament. For example, the Honourable John Reid, the Information Commissioner, stated:

I think there is a real problem in terms of the way in which parliamentary officers are funded. It is a very difficult proposition, I believe, for the government itself to deal with this sort of hybrid organization that is in a sense part of the civil service and yet has no reporting responsibilities to the civil service. There has to be a considerable amount of thinking about how these officers are to be financed in the future.

During our hearings, the committee entertained a number of suggestions on how the budget determination process for officers of Parliament might be reformed. Let me outline two possible approaches.

First, it has been suggested that the officers of Parliament prepare their budget proposals for consideration by the Speakers of the House of Commons and the Senate, and subject to a review by specific committees of Parliament. The proposed budget would then be forwarded to the Treasury Board for inclusion in their estimates. The overarching argument would be that Parliament should be responsible for approving the funding of its officers.

Another proposal discussed involved setting up what some called a blue ribbon panel, or a panel of experts, to determine the appropriate level of funding for each officer of Parliament. One presumes that these experts would be familiar with the workings and responsibility of the officers of Parliament for which they are required to set a budget. The so-called blue ribbon panel approach had less general support.

The committee hopes to explore this issue of the funding of these officers of Parliament in more detail in the coming weeks and intends to submit its findings at that time.

In conclusion, as there are matters that must be followed up from the committee's work in fiscal year 2004-05, I can assure honourable senators that the Standing Senate Committee on National Finance, which now has before it the Main Estimates of 2005-06, will in fact follow up on them.

**Hon. Tommy Banks:** Honourable senator, may I ask a question?

**Senator Oliver:** Certainly.

**Senator Banks:** It is one of curiosity and not substance at the moment. Do I understand correctly that the Auditor General, among other officers of Parliament, found the process of obtaining budgets too stringent?

**Senator Oliver:** That is correct.

**Senator Banks:** That is funny.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I want to ask if Senator Oliver is prepared to move adoption of the report.

**Senator Oliver:** I should have done that in the beginning, and I apologize to honourable senators. I would like to move adoption of the report.

**The Hon. the Acting Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

## THE ESTIMATES, 2004-05

### REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on National Finance (Main Estimates, 2004-05), presented in the Senate earlier this day.

**Hon. Donald H. Oliver** moved the adoption of the report.

Motion agreed to and report adopted.

## THE ESTIMATES, 2005-06

### FIRST INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES ADOPTED

The Senate proceeded to consideration of the sixth report (first interim) of the Standing Senate Committee on National Finance (Main Estimates, 2005-06), presented in the Senate earlier this day.

**Hon. Donald H. Oliver:** Honourable senators, I move the adoption of the report.

**Hon. Joseph A. Day:** Honourable senators, I will not spend long dealing with these various reports, but I did want to make a few remarks that pertain to the three reports.

First, I would like to commend Senator Oliver, who chairs our National Finance Committee, and all the members of that committee on a job well done. It is not easy to handle that extra load when we get the estimates and then the supply bills in such a short period of time.



Honourable senators on the committee ably chaired by Senator Oliver have done a fine job working toward these three reports that I believe give a very good picture of the ongoing work being done by the committee.

I would like to thank two members from the Treasury Board Secretariat, Mr. Mike Joyce, who is Assistant Secretary, Expenditure and Management Strategies, and Ms. Laura Danagher, Executive Director, Expenditure Operations and Estimates Directorate. Both have come to know us well and have done a fine job explaining the documentation and taking back to the Treasury Board Secretariat our frustrations in following the various government documents and the line items between planning and priorities and the budgets and the Main Estimates. We are trying to create a more direct correlation between those various documents so that, as the overseer from the Senate point of view of these Main Estimates, we can do the job that the honourable senators expect of us.

• (1610)

I would be remiss if I did not thank two members of the Library of Parliament, Mr. Guy Beaumier and Ms. Odette Madore, both of whom are in the economics division. Mr. Beaumier has been working with our committee for a number of years and he understands our work. Ms. Madore has been working with us for approximately a year now, and is becoming a valuable member of our team.

There are two other people I would like to thank. One is our clerk, Cathy Piccinin, who has to work hard to bring all of this together. We had our final meeting this morning and the reports were before you this afternoon. Mr. Chairman, we would be remiss if we did not thank Mr. Robert Mellon of the Treasury Board Secretariat, who has been working with us behind the scenes for many years and who will be retiring, as a good Treasury Board person should do, at the end of this fiscal year. Mr. Mellon has been with the Treasury Board for a good number of years.

Honourable senators, the point made by Honourable Senator Oliver is that this is an ongoing study and review. We continue to work with the government officials and the Treasury Board. The President of the Treasury Board is very receptive to the effort to make the documentation more readable and understandable. We continue to do that, and we have the undertaking of Treasury Board and the President of the Treasury Board to continue those efforts, and we as the honourable senators' committee will continue with the mandate that they have given us to deal with the Main Estimates for the coming fiscal year, which starts April 1. We will continue that work on behalf of the honourable senators.

Thank you, honourable senators. I would urge you to support this motion on the third report.

**The Hon. the Acting Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

[ Senator Day ]

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

## HERITAGE LIGHTHOUSE PROTECTION BILL

### THIRD READING—DEBATE ADJOURNED

**Hon. Pat Carney:** Honourable senators, it is a pleasure to speak today in support of Senator Forrestall's bill, Bill S-14, to protect heritage lighthouses.

**The Hon. the Acting Speaker:** Do you wish to move third reading?

**Hon. J. Michael Forrestall:** Honourable senators, I did that yesterday.

**The Hon. the Acting Speaker:** It was moved by the Honourable Senator Carney, seconded by the Honourable Senator Forrestall, that Bill S-14 be read the third time.

**Senator Forrestall:** It does not matter to me. I wish everyone would get up and move third reading, but I did it yesterday after I woke up.

**The Hon. the Acting Speaker:** Maybe we were asleep when you did.

**Hon. Sharon Carstairs:** Honourable senators, I think that yesterday was not the appropriate time to move third reading. It was actually being reported back. It needs to be moved today.

With the greatest of respect to Senator Carney, it would be much more appropriate if the record showed that Senator Forrestall moved third reading, since it is Senator Forrestall's bill. If Senator Forrestall simply got up and moved third reading now, and then Senator Carney could speak, it would be a simple process.

**Senator Forrestall:** I would be pleased to move third reading of this bill.

**The Hon. the Acting Speaker:** I would need the consent of honourable senators because I have already received a motion from Senator Carney, seconded by Senator Forrestall. If there is consent, then I can certainly put the motion.

It was moved by Senator Forrestall, seconded by Senator Carney, that Bill S-14 be read the third time.

**Hon. Senators:** Agreed.

**Senator Carney:** Honourable senators, it is a pleasure finally to speak today in support of Senator Forrestall's bill, Bill S-14, to protect heritage lighthouses. This bill promises to create and enforce measures that will help us preserve and protect heritage lighthouses, and it does this in three ways: first, by providing for the selection and designation of heritage light stations; second, by preventing their unauthorized alteration or disposal through a public consultation process; and third, by requiring that heritage lighthouses be reasonably maintained.

At present, lighthouses, heritage or other, come under the mandate of the Canadian Coast Guard, which, of course, is part of the Department of Fisheries and Oceans.

Honourable senators, as you know, the essence of this bill, preserving and protecting our heritage lighthouses, has been the subject of three previous bills. Senator Forrestall and I, who worked on the western part of this bill, are nothing if not persistent in asking for support from the honourable senators on this issue, which has the support of the government in its present form.

Today, I should like to address the issue of expanding the mandate of the light stations and their keepers to include coastal security duties. This is an issue that is linked to Bill S-14, as the legislation provides that heritage lights be maintained in good condition. This is essential should the government decide that these coastal assets would be useful for security and surveillance. After all, staffed lighthouses tend to be located at the most strategic sites on the coasts of Canada.

I recognize that not all light stations would be suitable for this purpose. Under these circumstances, Bill S-14 provides a process in which light stations can be decommissioned and released for other public uses. As honourable senators are aware, there are no provisions for this decommissioning in present legislation. Our lighthouses have been burned to the ground, as was done off the coast of B.C.; blown up, as happened in Georgian Bay; and jackhammered to rubble, as happened on the southern B.C. coast. Other staffed light stations, such as those on the mid-B.C. coast and isolated sections of Newfoundland and Labrador, must and should be retained to provide weather and navigation services to the maritime and aviation communities.

On the issue of coastal security, I commend the members of the Standing Senate Committee on National Security and Defence on their informative 2003 report. There is no question that the state of Canada's coastal defence is of grave concern. The report states that Canada's coastlines are the longest under-defended borders in the world. Given that the coastlines of the Pacific, Arctic and Atlantic Oceans stretch nearly a quarter of a million kilometres and border more than 10 million square kilometres of ocean territory, the problems of adequately protecting Canadians is immense.

Who is watching our coasts? It appears there is no one at watch, as there is no one agency responsible for Canada's marine and coastal security. We have heard that there is overlap and confusion; there is a denial of responsibilities. Canada's frightening reality is that no agency wants to head the security initiative because there is no funding, coordination or effective direction. This is outlined in a report on the Canadian Coast Guard released in the other place in March 2004.

I note that both the Senate and the House committees agree that Canada's coasts are virtually undefended. The Senate's report tells us that the roles of the navy and the Coast Guard in defending our coasts are supportive, but that the RCMP does not have the resources to provide adequate marine surveillance and protection. That is certainly true on our coast, on which, at times, marine surveillance is three RCMP officers in rubber boat.

Our Senate committee tells us that our unprotected coasts are a real threat. Among the many important findings of the Senate committee is one that has been painfully obvious for some time. The Canadian Coast Guard is stretched beyond its limits. The Auditor General informed the committee that the Canadian Coast Guard is trying to perform five different sets of duties, all without adequate funding from the very government departments and agencies that benefit from those duties.

Today's Canadian Coast Guard mandate now encompasses search and rescue, environmental protection and response, icebreaking, aids to navigation, boating safety, marine communication and traffic services. Additional responsibilities include security surveillance upon request from other government agencies, such as the RCMP and the Canadian navy. That is a tall order for an organization that is underfunded, understaffed and under-equipped. I am encouraged that some of these problems have been addressed partially in the recent budget, but very little of it is specifically targeted to coastal security.

• (1620)

The Senate National Security and Defence Committee recommended that the Canadian Coast Guard become a stand-alone constabulary agency responsible for national security, reporting to Parliament.

Honourable senators, light stations and their staff have an important role to play in our coastal security. Presently, lightkeepers supply at least six essential services identified by the Coastal Communities Network, which links the coastal communities, including Aboriginal villages on tidewater from Sooke, British Columbia, to Alaska. These services include aids to navigation, marine weather, assistance to the public, environmental monitoring for oil and air pollution, and maintaining automated systems and services to other government agencies.

To see how these services were delivered, I flew in a Coast Guard Messerschmitt helicopter several months ago to six light stations on the west coast, accompanied by two Canadian Coast Guard officials, B.C. Superintendent Terry Weber, and his Newfoundland counterpart, Mike Clements. This was a fact-finding trip for a presentation I gave before the House Fisheries Committee during its 2004 study of the Coast Guard. The light stations we visited included Cape Beale, Estevan Point, Nootka, Lennard Island, Pachena and Carmanah.

I was immediately struck during this trip by the many non-traditional duties today's lightkeepers are called on to perform. In addition to their essential marine and aviation weather reporting, fog and sea state conditions and environmental monitoring, today's lightkeepers provide other services, including placing calls for lost souls, supplying first-aid and food to injured hikers and boaters on the West Coast Trail, and other services that are essential given B.C.'s focus on ecotourism. There are more recreational boaters and hikers on the coast, and lightkeepers often find themselves in the position of helping people who have set out to sea with little or no knowledge of marine safety.



Non-traditional duties also include supporting and carrying out scientific research such as collecting water samples to determine the salmon migration patterns, testing the atmosphere for an Environment Canada greenhouse project and hosting research students studying local plant life.

As most of these stations are on the Pacific flyway, these sites could be used more extensively to track migratory birds. These are the services that the Coast Guard currently provides and is unable to charge for.

Our lightkeepers keep a watch over our coastline. The duties they perform in this regard are beyond their mandates, and include reporting possible illegal immigrants and criminal activity under the RCMP Coastal Watch Program — all those little planes circling around dropping packages into little boats.

The relevance and importance of light station sites should not be underestimated. Today, Estevan serves as a major radio relay station for the Coast Guard. The Department of National Defence is considering a radar installation at Estevan to monitor shipping vessels entering Canadian waters. Carmanah became the first traffic control centre and keepers there have reported oil spills and other pollution problems.

The Senate National Security and Defence committee, co-chaired, I understand, by Senator Forrestall, wants the government to use the Canadian Coast Guard in a way that would better secure Canada's coastal waters. The committee contends that other countries are beefing up their coast guards to defend themselves against potential coastal threats. Why should Canada not do that, too?

I first raised the option of changing the duties of light stations in March 1994 when the Senate authorized public hearings on expanding the mandate of the Coast Guard to accommodate the increase in marine traffic, including recreational users. When the hearings were subsequently cancelled, MP John Duncan, some of my colleagues and I held them anyway, forming the ad hoc parliamentary committee on light stations reporting in June 1995. My resolve for an expanded role for light stations and their keepers has only strengthened since then.

The protection ordered under Bill S-14 for light stations is vitally important. Canada's coastal strategy demands preserving these strategic sites and training keepers to operate as peace officers so that Canadians may have peace of mind knowing someone is on watch on our coastlines.

I would like to thank Senator Forrestall for his unwavering commitment to the protection of light stations, and I encourage honourable senators to support this legislation.

**Senator Rompkey:** I would like to move adjournment of the debate.

**Hon. Senators:** Why?

**The Hon. the Acting Speaker:** I had recognized the Honourable Senator Forrestall, if he wants to speak.

**Senator Forrestall:** Would my speaking bring to a close the matter and the issue?

If I speak, will I close the debate?

**The Hon. the Acting Speaker:** No, it will not close the debate. Do not take it that you have spoken yet, so you have a right to speak on this bill, and it will not close debate because right of reply does not stand for third reading.

**Senator Kinsella:** He moved third reading.

**Senator Forrestall:** In that event, I will await with pleasure the pearls of wisdom from my colleague across the floor.

**The Hon. the Acting Speaker:** I take it that I have before us a motion to adjourn the debate.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

On motion of Senator Rompkey, debate adjourned.

## ANTI-TERRORISM ACT

### BUDGET— REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Special Senate Committee on the Anti-terrorism Act (budget—study on the provisions and operation of the Anti-terrorism Act) presented in the Senate on March 21, 2005.—(*Honourable Senator Fairbairn, P.C.*)

**Hon. Joyce Fairbairn** moved the adoption of the report.

Motion agreed to and report adopted.

## THE SENATE

### RULES OF THE SENATE— MOTION TO CHANGE RULE 135— OATH OF ALLEGIANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (full name of the Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Vivienne Poy:** Honourable senators, I rise today in support of the motion by the Honourable Senator Lavigne to have honourable senators swear an oath of allegiance to our country, Canada, in addition to the oath to the Queen.

When I was sworn in as a senator seven years ago, I was surprised that I only swore an oath of allegiance to the Queen. Since I had no political background, I accepted it as status quo. Canada is our home, and it is this country's values that have shaped our identity as Canadians. I feel a tremendous amount of pride and affection for Canada, and, as a senator, I believe it is my duty to swear allegiance to Canada.

I came to Canada from Hong Kong in 1959, and many honourable senators may not know that ethnic Chinese from Hong Kong had no country until July 1, 1997. When I became a Canadian in 1962, I finally had a country. Canada is not only the only country I have ever had, but it is also the country I love.

• (1630)

Over the past 40 years, my husband and I have had a number of opportunities to move to the United States, but each time I managed to convince him that Canadian values were more important than making more money. Besides, this is where I wanted our children to grow up. Canada is also where our grandchildren now thrive.

Honourable senators, the change Senator Lavigne has proposed takes nothing away from the oath that already exists; it merely adds to it. I believe the time has come to amend the *Rules of the Senate* so that all senators have the opportunity to swear allegiance to the country we serve.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have a question for Senator Poy. I have not followed this debate in full, but I am curious about her speech.

I understand the sentiment she has expressed. I do not think anyone can argue with the sentiment of bearing true allegiance to Canada as an entity, but I am not sure, from a grammatical, a legalistic or a constitutional standpoint, how one can swear allegiance to a country as opposed to an institution, laws, a ruler or whatever. I am perplexed.

When I came to the Senate, I swore allegiance to the Queen in Canada. I had no problem with that, because she represented not only the country but all of its institutions and its laws. I am curious about this. Perhaps Senator Poy could explain why she swore the oath if she felt uncomfortable with it.

**Senator Poy:** Honourable senators, I believe that many Canadians do not understand that we do not swear allegiance to the Queen of Canada. We swear allegiance to Queen Elizabeth. It would be clearer if we swore allegiance to both the Queen and Canada. I see nothing wrong with that.

On motion of Senator Rompkey, debate adjourned.

## BUDGET 2005

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 23, 2005.—(*Honourable Senator Stratton*)

**Hon. David Tkachuk:** Honourable senators, I want to address my remarks today to the federal budget that was tabled on February 23 and, in particular, to the measures taken in that budget with regard to the Air Travellers Security Charge, a charge that is a tax by any other name.

Few things are more harmful to the public good than a government policy that is ill-conceived in the first place and badly implemented in the second, which is how I would describe the Air Travellers Security Charge, or ATSC.

In this budget, the government has decided to again reduce the ATSC. Doing so does not make it any less of a bad idea; it only means that air travellers will be paying less for something they never should have been charged for in the first place.

In April of 2002, the government first slapped the maximum charge of \$24 on top of the price for a round-trip domestic flight. That was the highest security charge anywhere in the world. It was three times that of the charge implemented in the United States at the time, the country where the airport security breaches leading to 9/11 had actually taken place, the country where the terrorists attacked.

The Liberal government knew they had it wrong. If they did not, why in the budget of 2003, one year later, did they reduce the tax to \$14, a price that was apparently wrong again? In the budget of 2004, they reduced the maximum from \$14 to \$12, and in this budget from \$12 to \$10.

The shame of it is that there was no shortage of experts around at the time to tell the government what a badly conceived policy this was, if the government had cared to listen, which it did not.

As the Tourism Industry Association of Canada put it at the time, the tax was introduced hastily with no consultation with the parties that it ended up affecting the most. Those parties had a number of valid criticisms of the proposed ATSC, criticisms the government brushed aside in its haste to implement yet another in a long and tiresome line of tax grabs.

What were some of the criticisms? The Saskatoon Chamber of Commerce had one. It argued that the new Air Travellers Security Charge had many flaws, including its excessive rate, with no clear link between the fee that air passengers were paying and the level of the security service they would receive. Its parent organization, the Canadian Chamber of Commerce, provided specific numbers. They estimated that spending on airport security would be in the range of \$223 million for 2002 and 2003. The tax, on the other hand, would collect, in their estimation, \$430 million during the same period, a remarkably accurate forecast in hindsight, honourable senators, one that the government surely could have made itself had it cared to, but it did not.



Let us look at the actual numbers for 2003, the latest year for which the complete revenues and expenditures are available. The Auditor General determined that the ATSC collected \$443 million that year while expenditures were \$209 million. That is a difference of \$234 million, an overpayment in fact, or what we might call an excessive profit on taxation.

Now the government will say that the overpayment is available to reduce the ATSC. However, they do not factor in that prior to April 2002 when the ATSC was implemented, there was already spending for security at airports that was not funded by an air travellers user fee. In fact, the government's security tax was to fund the extra security needed in the post-9/11 world. The question is: Does the government factor that earlier spending into what is available to reduce the ATSC? The answer is no. Doing so would have interfered with maximizing what the government could get for the latest variation of their tax grab strategy, a strategy born of the kind of callus opportunism that is the hallmark of this government.

I need only refer you to my speech in the chamber last month on the Canada Pension Plan for another example of this opportunism at work, a plan that preys on the young, most of whom were not even of voting age when the changes to the CPP that effected them were made, changes that force them to pay for the past fiscal misdeeds of their more politically influential elders.

The same callus opportunism, honourable senator, the same strategy, has long been in evidence with regard to the airport security tax. The opportunism arises from using a tragedy that befell the United States on September 11 as an excuse to fill government coffers in Canada. The strategy devised to take advantage of that opportunity was a five-pronged assault on the air industry.

The first prong was to tax air travellers only, a captive market, avoiding the political fallout that might have ensued from a general tax increase. The second prong was to tax them hastily and without consultation, thus cutting off criticisms about both the appropriateness at the time of this tragic event and the level of the tax. The third prong was to tax them excessively, grabbing as much money as possible and as quickly as possible. The fourth prong was to promise to review the tax and to reduce it if too much money was collected. That was a sly, not to say slimy, way of heading off criticism about the obvious excessiveness of the tax at that time. The fifth and final prong of the strategy was to take the money collected from a tax specifically intended to pay only for airport security and put it in the Consolidated Revenue Fund, shielding it from the prying eyes of Canadians who want to know how much of it is spent and what it is spent on.

Lest you think these concerns are a figment of my own partisan imagination, they were also voiced by the Standing Senate Committee on National Security and Defence. In its excellent 2003 report on airport security, the committee noted that questions surround the security tax, specifically, what is being done with the money being raised and whether it is being diverted to other areas. The committee also expressed frustration about its attempts to determine how much is being spent on aviation

security, by whom and for what. The Auditor General, who testified before the Standing Senate Committee on National Security and Defence, despaired that no definitive accounting of the security charge would ever be possible.

• (1640)

The committee had no problem concluding, however, that air travellers were getting very little security for their money, and what few security improvements they were getting were superficial and cosmetic. In other words, we were taxed with a user fee that is explicit, i.e. security, but in real terms was a camouflage to raise revenue far in excess of expenditure — a monopolistic excessive profit that in the private world would have made even the banks green with envy.

Honourable senators, it is no wonder that we rank, according to Transparency International, as the twelfth most corrupt country in the world — twelfth most corrupt out of 146 countries ranked. Indeed, in the pages of Transparency International's *Global Corruption Report 2005*, one will find Canada comfortably lodged between those stalwarts of transparency and accountability, Cameroon and China.

When confronted, the government uses the same argument that it used in the sponsorship scandal — to quote their own Prime Minister in saving Canada, what is a million in stolen funds; it is the end that counts, not the means.

"Our intentions were good," that is what they will say. "We are only trying to help the airlines by improving security and getting Canadians flying again. If a little money was misdirected, that is the price of security and a robust airline industry." The only problem with that argument is that if security has been improved at all, it has been improved only marginally. Moreover, as any airline will tell you, the tax increase inherent in the security charge did not encourage people to fly, but quite the opposite. When they could, many travellers opted for other modes of travel, especially those who were travelling relatively short distances.

Perhaps, then, the thinking was that airport security will be vastly improved if the government discourages people from flying altogether. That way there will be no need for airports and the problem of airport security will be solved.

I do not know in which direction the government is headed, a government under whose watch nine airlines have gone belly up; a government whose various and crippling airport fees have made Toronto's Pearson International Airport the second most expensive airport in the world to land a plane; a government to which the airport in Saskatoon pays more in security fees — \$5 million annually — than it does to operate the entire airport; a government that tried to make a virtue out of reducing a security charge that it never should have imposed in the first place and left in place sky-high airport rents that promise to further decimate Canada's air industry, rents that the government promised to reduce in this budget but did not, hooked as they are on taxing anything that moves and many things that soon will not.

On motion of Senator LeBreton, for Senator Di Nino, debate adjourned.

**BANKING, TRADE AND COMMERCE**

**STUDY ON CHARITABLE GIVING—  
COMMITTEE AUTHORIZED TO EXTEND DATE OF  
FINAL REPORT AND TO RETAIN POWER TO PUBLICIZE  
ITS FINDINGS UNTIL JANUARY 31, 2006**

**Hon. Jeremiah S. Grafstein**, pursuant to notice of March 10, 2005, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, November 18, 2004, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to examine and report on issues dealing with charitable giving in Canada, be empowered to extend the date of presenting its final report from March 31, 2005 to November 30, 2005; and

That the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

He said: Honourable senators, this motion is self-explanatory. The interim report was completed in time. The final report is not. I sought the consensus of committee members before moving this motion.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

**INTERNATIONAL DEVELOPMENT ASSISTANCE**

**MOTION URGING GOVERNMENT TO MEET  
COMMITMENT—DEBATED ADJOURNED**

**Hon. A. Raynell Andreychuk**, pursuant to notice of March 21, 2005, moved:

That the Senate of Canada calls upon the Government of Canada to establish a specific timetable that will enable Canada to meet its longstanding commitment to provide 0.7 per cent of its Gross National Income as official international development assistance; and

That the Senate of Canada calls upon the Government of Canada to provide funds, within the budgetary process, to achieve this objective at latest by the year 2015, beginning with an immediate one hundred percent increase in official development assistance in the next fiscal year.

She said: Honourable senators, three months ago on that terrible Boxing Day of 2004, Mother Earth shrugged her shoulders and shed 300,000 of her children. The tsunamis of that day spread shock and grief around the world and produced a tidal wave of generosity. Ordinary people and their governments opened their wallets to help and aid was rushed to stricken populations from Sumatra to Somalia.

In the three months since that day, a greater tsunami has swept across Africa carrying away almost half a million children. That

tidal wave is called malaria. Readily preventable, utterly curable, malaria kills millions.

In the same three months, another tsunami has swept the world, killing another quarter of a million children. It is called measles — yes, measles. For us, it is a minor preventable childhood disease; for people living in poverty, it is a major killer.

Measles, malaria and other diseases from simple diarrhea to HIV/AIDS will bring a tsunami to Africans every month of this year and the next and the next. The world is not rushing to their aid.

Let me put this in another way. In the time that it will take me to speak to you today, 300 children around the world will die from preventable diseases.

Honourable senators, Canadians are a generous people. In response to the Boxing Day tsunamis, ordinary Canadians donated more than \$200 million to help the victims. Two thirds of us, as many as vote, made a contribution. The government seeing the determination of Canadians to help produced a general response itself. There is, however, a much larger issue, one to which this government and its predecessors for 35 years have yet to give an adequate response, much less a generous one. That issue is the total amount of assistance that Canada, amongst the world's most privileged nations, should provide to poor nations of the world.

In 1968 Robert McNamara, then President of the World Bank, called on the recently retired Prime Minister of Canada, the Right Honourable Lester B. Pearson, to chair a commission to investigate solutions to world poverty. The next year the World Bank Commission on International Development Assistance — the Pearson commission — issued its report, *Partners in Development*.

• (1650)

A central recommendation of that report was that developed countries should provide 0.7 per cent of their Gross Domestic Product as Official Development Assistance by 1975. In 1970, a resolution of the United Nations General Assembly, supported by Canada, endorsed that goal. Canadian governments ever since have reiterated their support, but failed to meet the goal.

Consider the facts. In 2002, the last year for which complete figures are available, Canadian Official Development Assistance stood at 0.23 per cent of our Gross National Income. Economists, not being the most consistent of people, have now changed the indicators, but the meaning is still the same. The recent increases announced in the budget will bring our aid to approximately 0.35 per cent, halfway to the target, by 2010. I am not an economist, but I am told by my numerate people and friends that, if we are able to maintain that rate of growth, we might be able to make 0.7 per cent by 2027, — in another 22 years, maybe. That will be only 52 years after our original target date. How many people will have died because we failed to keep our word?



We are not doing very well at keeping our promises, nor does our performance compare well with others. Ten years ago, Canada was ranked sixth among members of the OECD in the percentage of GNI devoted to development assistance. By 2002, we had dropped to a shameful 18th amongst those 22 countries. The 0.25 per cent of GNI we provided that year was slightly more than half of the OECD average of 0.41 per cent. The increases of the past two years have probably brought us to level 13, still not even at the middle of the pack, or close to where we placed 10 years ago.

Honourable senators, Norway, Denmark, Sweden, Luxemburg and the Netherlands have exceeded the 0.7 per cent goal. Six other countries, Belgium, Finland, France, Ireland, Spain and the United Kingdom have established specific timetables to meet the target by 2015. Canada has done neither. Perhaps that would not matter if international development assistance did not work, if it was not successful in reducing poverty, increasing education, and improving the health governance of nations. The truth, however, is that it does work. We must give clear, significant signals with consistent aid so that receiving countries must join with real commitments and accountability if poverty is to be tackled.

The simple fact is that millions of people have been assisted. Consider some examples. In 1960, 73 per cent of the world's population was ranked low in human development; by 1990, that figure was 35 per cent. That is a huge achievement. Remember as well that 1.2 billion people, largely women and children, still live in absolute poverty on incomes of less than a dollar a day. In Ghana, life expectancy has increased from 45 years in 1960 to 57.7 years today. That is wonderful but, at the same time, across the continent in Zambia, a country devastated by HIV/AIDS, the trend has been in the opposite direction. Life expectancy is now less than 36 years.

Across the developed world, infant mortality declined from 110 to 58 for every thousand live births between 1970 and 2000. Again, that is perhaps a great achievement, but millions of infants still die needlessly every year. Smallpox, once a scourge across the earth, was eradicated in 1977. Polio has been eradicated in 175 countries. Malaria has been largely wiped out in Latin America. These are historic achievements, but tuberculosis, a disease that we thought we would soon defeat, is increasing. As we all know, the HIV/AIDS pandemic continues to spread particularly in Asia and in the poorer regions of Eastern Europe. New strains of malaria continue to debilitate and kill millions of Africans. Literacy in the developing world has grown from 43 per cent to 73 per cent in the past 35 years, but hundreds of millions throughout the world, most of them women, still cannot read.

At the national level, countries like Malaysia and Singapore have graduated from the group of recipient countries. Others like India and Indonesia can be expected to graduate over the next 10 years. At the other end of the scale, countries like Sierra Leone, Rwanda and Haiti cannot meet the simplest needs of their people.

Honourable senators, we have come a long way indeed, but not far enough or in a consistent manner to allow us to measure change and hold states accountable. We can rightly say that

Canada and Canadians have done much, but we have not done enough. We have not done our share. We have not kept our word.

The resolutions that I place before you are simple. They call on the government to establish a formal timetable to meet the 0.7 per cent goal at the latest by 2015, 10 years hence. It further calls on the government to provide funds to meet that objective, beginning in these days of recurring surplus, with an immediate doubling of the Official Development Assistance budget. In short, it calls on our government to keep our word to "put our money where our mouth is."

Let us consider the words of Prime Minister Paul Martin. He said:

The number of humans who subsist on a dollar a day in this world is unacceptable and...I'm going to tell you I am not going to leave that to my children and grandchildren, nor to yours.

I agree, 1.2 billion people living on a dollar a day is unacceptable. So, too, is taking 22 more years to keep a promise we made 35 years ago. By then, the Right Honourable Prime Minister's grandchildren will be the taxpayers. Despite his words, the Prime Minister's budget leaves world poverty to them.

Let us look as well at the words of the report of the Commission for Africa released this month by the Prime Minister of the United Kingdom, the Right Honourable Tony Blair and which was signed by the Honourable Minister of Finance of Canada. The report states:

Rich nations should commit to a timetable for giving 0.7 per cent of the annual income in aid. To provide the critical mass of aid which is needed now, the aid should be front loaded.

Now look at the federal government's budget. It has no timetable, no frontloading. If we are to take the signing of that report seriously, we must follow through with action. Let us in this chamber, ask the Government of Canada to do so.

Honourable senators, in the year 2000 the members of the United Nations adopted the Millennium Declaration, which included the Millennium Development Goals, a list of concrete objectives to be achieved by 2015. Foremost amongst those goals was the stated determination to reduce by half the number of people living in absolute poverty, that is, to cut the number from 1.2 billion to 600 million, almost 20 times the population of Canada.

It can be done. Last month, the United Nations released a report authored by the distinguished Harvard economist, Dr. Jeffrey Sachs that demonstrates that that objective would be attained if the developed world as a whole were to raise its official development assistance from the current level of 0.23 per cent of Gross National Income to 0.54 per cent by 2015.

The world economy has reached a point at which the halving of absolute poverty is, in Dr. Sach's words, "utterly affordable."

• (1700)

Let me put that in context. To reduce absolute poverty by half, to cut child mortality in half, to reduce undernourishment by 40 per cent, to reduce HIV/AIDS infections by two-thirds, to provide safe water to almost half a billion people, to do all this and more requires only that the developed world increase its aid by 50 cents for every \$100 it earns.

Canada cannot do this alone, but it must do its part. It is time for Canada to reassert the leadership that was shown by Mr. Lester Pearson 35 years ago.

At the time he released his report, Dr. Sachs also reminded Canadians of something that government after government has chosen to forget, and I quote, "Canada is the home of 0.7 per cent." Not only is Canada the home of 0.7 per cent, Canadians want to do more. They want to play their part. The tsunami has taught us that. Canadians want their country to be responsible. They want their country to care; they want their country to lead.

As you consider this resolution, honourable senators, bear in mind that Canadians want their country to lead and not to be in the "also ran" category. Bear in mind as well that, since I rose to speak, 300 children have died needlessly.

We must press the government to give effect to our obligations if the government is to be taken seriously in world affairs. If we wish to lead, we must do so by example. Canada's good intentions must be turned into positive action, with a clear and specific timetable and front loaded to create that critical mass of aid that is needed so much now.

UN Secretary-General Kofi Annan has issued a statement that words are meaningless, actions are needed. I hope this resolution will be supported by this chamber so that we, as senators, will spur our government to act; and we can be assured they will follow through on the words they have uttered recently in the Blair commission.

On motion of Senator Pearson, debate adjourned.

#### BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate, I move that the Senate do now adjourn at pleasure to reassemble at the call of the chair at approximately 7 p.m., and that those committees scheduled to meet this afternoon be authorized to sit while the Senate is adjourned at pleasure.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Honourable senators, could I have your attention to indicate that I have made a commitment that will make it impossible for me to be here at 7 p.m. Senator Robichaud has agreed to take the chair when we resume sitting later this day.

I will now leave the chair.

The Senate adjourned during pleasure.

• (1900)

[Translation]

The sitting of the Senate was resumed.

#### APPROPRIATION BILL NO. 4, 2004-05

##### FIRST READING

**The Hon. the Acting Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-41, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005.

Bill read first time.

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[English]

#### APPROPRIATION BILL NO. 1, 2005-06

##### FIRST READING

**The Hon. the Acting Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-42, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006.

Bill read first time.

**The Hon. the Acting Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

The Senate adjourned until Wednesday, March 23, 2005, at 1:30 p.m.



# CONTENTS

Tuesday, March 22, 2005

## SENATORS' STATEMENTS

### Tributes

The Late Honourable Royce Frith, O.C.	941
Hon. Jack Austin	941
Hon. Noël A. Kinsella	942
Hon. Joyce Fairbairn	942
Hon. David P. Smith	942
Hon. Lowell Murray	943
Hon. Jeremiah S. Grafstein	943
Hon. Peter A. Stollery	943
Hon. C. William Doody	943

### Visitors in the Gallery

The Hon. the Speaker	944
----------------------	-----

### Learning Disabilities Awareness Month

Hon. Marilyn Trenholme Counsell	944
---------------------------------	-----

### Commission for Africa Report

Hon. Donald H. Oliver	944
-----------------------	-----

### Sri Lanka

Visit by Canada-Sri Lanka Business Council and Canada-Sri Lanka Parliamentary Friendship Group.	945
Hon. Joseph A. Day	945

### International Day of the Francophonie

Hon. Rose-Marie Losier-Cool	945
-----------------------------	-----

## ROUTINE PROCEEDINGS

### Parliamentary Delegation to United Arab Emirates, Bahrain and United Kingdom

January 13-21, 2005—Report Tabled.	946
Hon. Dan Hays	946

### Inauguration of President of Afghanistan

Report of Canada's Representative Tabled.	946
Hon. Daniel Hays	946

### Internal Economy, Budgets and Administration

Sixth Report of Committee Presented.	946
Hon. George J. Furey	946
Seventh Report of Committee Presented.	947
Hon. George J. Furey	947

### Energy, the Environment and Natural Resources

Budget—Report of Committee on Study of Issues Related to Mandate Presented.	947
Hon. Tommy Banks	947

### Transport and Communications

Budget—Report of Committee on Study of Media Industries Presented.	947
Hon. Joan Fraser	947

### Telefilm Canada Act (Bill C-18)

Bill to Amend—Report of Committee.	948
Hon. Joan Fraser	948

### The Estimates, 2004-05

Report of National Finance Committee on Supplementary Estimates (B) Presented.	948
Hon. Donald H. Oliver	948

### Report of National Finance Committee

on Main Estimates Presented.	948
Hon. Donald H. Oliver	948

### The Estimates, 2005-06

First Interim Report of National Finance Committee on Main Estimates Presented.	948
Hon. Donald H. Oliver	948

### National Security and Defence

Notice of Motion to Authorize Committee to Meet During Adjournment of the Senate.	949
Hon. Tommy Banks	949
Notice of Motion to Authorize Committee to Meet During Adjournment of the Senate.	949
Hon. Tommy Banks	949

### Human Rights

Notice of Motion to Authorize Committee to Meet During Adjournment of the Senate.	949
Hon. A. Raynell Andreychuk	949

## QUESTION PERIOD

### Public Safety and Emergency Preparedness

Halifax Port Authority— Cutback in Number of Patrolling Police Officers.	949
Hon. Noël A. Kinsella	949
Hon. Jack Austin	950
Port Security—Funding for Police Officers.	950
Hon. J. Michael Forrestall	950
Hon. Jack Austin	950

### Canada-United States Relations

Visit by Prime Minister—Composition of Ministerial Delegation.	950
Hon. Donald H. Oliver	950
Hon. Jack Austin	950
Visit by Prime Minister—Bovine Spongiform Encephalopathy and Softwood Lumber as Agenda Items.	950
Hon. Donald H. Oliver	950
Hon. Jack Austin	950

### Finance

Escalation in Use of Offshore Tax Havens.	951
Hon. David Tkachuk	951
Hon. Jack Austin	951

### Health

Canadian Food Inspection Agency— British Columbia Avian Flu Outbreak—Jurisdictional Problems.	951
Hon. Pat Carney	952
Hon. Jack Austin	952
Canadian Food Inspection Agency—British Columbia Avian Flu Outbreak—Distribution of Bio-security Equipment.	952
Hon. Pat Carney	952
Hon. Jack Austin	952

### Transport

Bankruptcy of Jetsgo Airlines.	952
Hon. Marjory LeBreton	952
Hon. Jack Austin	952
Airport Authorities—Rental Fees.	952
Hon. Marjory LeBreton	952
Hon. Jack Austin	952

### Public Safety and Emergency Preparedness

Training of Palestinian Security Forces.	952
Hon. J. Michael Forrestall	952
Hon. Jack Austin	952

	PAGE
<b>Point of Order</b>	
Speaker's Ruling.	
Hon. the Speaker. . . . .	953
<b>Pages Exchange Program with House of Commons</b>	
Hon. the Speaker. . . . .	953
Hon. Terry Stratton . . . . .	953

## ORDERS OF THE DAY

<b>Federal-Provincial Fiscal Arrangements Act (Bill C-39)</b>	
Bill to Amend—Third Reading.	
Hon. Wilbert J. Keon. . . . .	953
<b>Statistics Act (Bill S-18)</b>	
Bill to Amend—Third Reading—Motion in Amendment—	
Debate Continued.	
Hon. John Lynch-Staunton . . . . .	954
Hon. Pat Carney . . . . .	956
Hon. Bill Rompkey . . . . .	956
Hon. Gerald J. Comeau . . . . .	956
Hon. Madeleine Plamondon . . . . .	957
<b>The Senate</b>	
Motion to Extend Adjournment Time on March 23, 2005 Adopted.	
Hon. Bill Rompkey. . . . .	957
Committees Authorized to Meet During Adjournment	
of the Senate.	
Hon. Bill Rompkey. . . . .	957
<b>The Estimates, 2004-05</b>	
Report of National Finance Committee on Supplementary	
Estimates (B) Adopted.	
Hon. Donald H. Oliver. . . . .	958
Hon. Tommy Banks. . . . .	959
Hon. Bill Rompkey . . . . .	959
<b>The Estimates, 2004-05</b>	
Report of National Finance Committee on Main Estimates Adopted.	
Hon. Donald H. Oliver. . . . .	959

<b>The Estimates, 2005-06</b>	
First Interim Report of National Finance Committee	
on Main Estimates Adopted.	
Hon. Donald H. Oliver. . . . .	959
Hon. Joseph A. Day. . . . .	959
<b>Heritage Lighthouse Protection Bill (Bill S-14)</b>	
Third Reading—Debate Adjourned.	
Hon. Pat Carney . . . . .	960
Hon. J. Michael Forrestall . . . . .	960
Hon. Sharon Carstairs . . . . .	960
<b>Anti-terrorism Act</b>	
Budget—Report of Special Committee Adopted.	
Hon. Joyce Fairbairn . . . . .	962
<b>The Senate</b>	
Rules of the Senate—Motion to Change Rule 135—	
Oath of Allegiance—Debate Continued.	
Hon. Vivienne Poy. . . . .	963
Hon. Jeremiah S. Grafstein . . . . .	963
<b>Budget 2005</b>	
Inquiry—Debate Continued.	
Hon. David Tkachuk . . . . .	963
<b>Banking, Trade and Commerce</b>	
Study on Charitable Giving—Committee Authorized to Extend	
Date of Final Report and to Retain Power to Publicize its Findings	
Until January 31, 2006.	
Hon. Jeremiah S. Grafstein . . . . .	965
<b>International Development Assistance</b>	
Motion Urging Government to Meet Commitment—	
Debated Adjourned.	
Hon. A. Raynell Andreychuk . . . . .	965
<b>Business of the Senate</b>	
Hon. Bill Rompkey . . . . .	967
<b>Appropriation Bill No. 4, 2004-05 (Bill C-41)</b>	
First Reading. . . . .	967
<b>Appropriation Bill No. 1, 2005-06 (Bill C-42)</b>	
First Reading. . . . .	967





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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

Wednesday, March 23, 2005

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, March 23, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### TRIBUTES

##### THE LATE HONOURABLE A. IRVINE BARROW

**The Hon. the Speaker:** Honourable senators, I received a notice from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to our former colleague, the Honourable Irvine Barrow, whose death occurred on March 17, 2005.

I remind senators that pursuant to our rules each senator will be allowed three minutes and they may speak only once. The time for tributes shall not exceed 15 minutes.

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to speak in tribute to the Honourable A. Irvine Barrow, who departed this life at Halifax, Nova Scotia, on March 17, 2005, at 92 years of age. Senator Barrow grew up on Tower Road, just three doors north of the Ring family home of my mother, and so I am privileged to be making these remarks today.

The late Senator Barrow served in this place from 1974 until his retirement in 1988. While here, he distinguished himself as Chairman of the Standing Senate Committee on Banking, Trade and Commerce and as Deputy Chairman of the Standing Senate Committee on National Finance, among the other committees on which he served.

Senator Barrow was a career chartered accountant and carried the recognition of his peers as a member of the Fellowship of Chartered Accountants. In 1946, he founded an accounting practice with the late J. C. Nicoll, a firm that grew to have several branches in the Maritime provinces under the Barrow Nicoll & Company banner. He also held numerous corporate directorships and was the pioneer responsible for bringing cable television to the Maritimes, having served as the President of Halifax Cablevision Limited and Chamcook Communications Ltd.

He was a very community-minded person who served as a volunteer President of the Halifax Chamber of Commerce, the Maritime Junior Board of Trade, the Halifax Board of Trade, the Maritime Provinces Board of Trade and the Halifax Commercial Club. His distinguished record also included serving as volunteer President of the Halifax YMCA, Ashburn Golf and Country Club, the Nova Scotia Liberal Association and Chairman of the Budget Committee of Dalhousie University and its successful multimillion dollar capital campaign called "Dalhorizons." He discharged all of these chores with energy, leadership and integrity.

Senator Barrow was a devout member of First Baptist Church and a tireless worker on behalf of it and related religious organizations. In his youth he was a splendid athlete, and he and his late brother, Brock, were awarded medals in a civic ceremony for their heroism in saving a young girl from drowning in the Northwest Arm.

Senator Barrow was predeceased by his wife of 58 years, the former Joyce F. Barnstead, and his brothers J. Brock and Donald F. He is survived by his daughter, Barbara, and his son, Fred, and we convey to them the sincere sympathy of the Senate of Canada upon the passing of this outstanding Haligonian, Nova Scotian and Canadian.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, on behalf of my colleagues on this side of the chamber, I rise to pay tribute to former Senator Irvine Barrow, who passed away last week. At an early age, Senator Barrow entered the accounting profession and it became a significant part of his life's work. He would go on to serve as President of the Nova Scotia Institute of Chartered Accountants and the Halifax Chamber of Commerce, and later as Director of the Bank of Canada and the Industrial Development Bank.

As President of Halifax Cablevision, Senator Barrow was involved in bringing cable television to the Maritime provinces. In addition to his professional pursuits, Senator Barrow had a great love of sports and was active in his church and community as a whole. He was also a member of the Board of Governors of Dalhousie University.

Senator Barrow was a long-time supporter of the Liberal Party, having been Past President of both the Nova Scotia and the Halifax County Liberal Associations. Former Prime Minister Trudeau appointed him to this chamber in 1974, as a representative of the Halifax-Dartmouth region of the province of Nova Scotia. During his 14 years in this place, Senator Barrow brought his considerable financial expertise to our Standing Senate Committee on National Finance, on which he served as deputy chair, and to his work as Chair of the Standing Senate Committee on Banking, Trade and Commerce.

• (1340)

By all accounts, Senator Barrow was deeply dedicated to public service and community involvement. It seems that this quality was rooted early in life. An obituary that appeared in the *Halifax Chronicle Herald* newspaper noted that as a boy, Senator Barrow and his older brother, Brock, were publicly awarded medals in recognition of their heroism in saving a young girl from drowning.

On behalf of all senators on this side of the chamber, I offer my condolences to his family.

**Hon. Terry M. Mercer:** Honourable senators, it is with heavy heart that I rise today to pay tribute to a former senator who graced this chamber with conviction and passion.

Senator Augustus Irvine Barrow passed away peacefully on March 17, 2005. A highly successful accountant and proud Liberal, Senator Barrow devoted his life to the citizens of Nova Scotia and Canada. Senator Barrow was appointed to the Senate in 1974 by the late Right Honourable Pierre Elliott Trudeau and served until his retirement in 1988.

Being a respected chartered accountant, it is not surprising to know that he served as Deputy Chair of the Standing Senate Committee on National Finance and as Chair of the Standing Senate Committee on Banking, Trade and Commerce.

The Halifax Metro Area will not soon forget the accomplishments of Senator Barrow before his Senate career. He was largely responsible for the City of Halifax installing the city manager form of civic government and brought cable television services to the Maritimes.

Honourable senators, it was a privilege to have known Senator Barrow. A true gentleman, his commitment to the Liberal Party was beyond reproach. His impact on liberalism in the country was felt far and wide. Not only did he chair the 1962 and 1963 federal election campaigns for the Right Honourable Lester B. Pearson, his activities with the Nova Scotia Liberal Party and its Halifax constituencies were commendable.

An avid sportsman, Senator Barrow chose to live his life with an enthusiasm all of us can only envy. He will be missed by all who knew him.

It is always difficult to judge the impact a person can have on the world. I rely on the words of Abraham Lincoln, who captured it best when he said:

And in the end, it's not the years in your life that count. It's the life in your years.

I believe Senator Barrow echoed this very sentiment.

I join with all honourable senators in paying tribute to our former colleague and offering our condolences to his family and friends.

[Translation]

#### THE HONOURABLE DANIEL HAYS

##### CONGRATULATIONS ON BECOMING GRAND OFFICER OF THE ORDER OF LA PLÉIADE

**Hon. Rose-Marie Losier-Cool:** Honourable senators, at an awards ceremony held yesterday our Speaker, the Honourable Senator Hays, was made Grand Officer of the Order of la Pléiade by the Canadian section of the APF.

**Hon. Senators:** Hear, hear!

**Senator Losier-Cool:** The Pléiade is the order of the Francophonie and of the dialogue of cultures. International in scope, its purpose is to recognize the outstanding contributions of

individuals who have rendered distinguished service to the ideals of the APF. The president of the Canadian section, Mr. Patry, mentioned the important role Senator Hays fulfills as a parliamentary diplomat.

Senator Hays is motivated by some very specific values, such as the creation of conditions ensuring that all Canadians benefit from the many things this country has to offer, pluralism, tolerance and respect for the cultures and traditions of the peoples who make up Canada.

Your Honour, my colleagues join me in offering our most sincere congratulations.

[English]

#### BUDGET 2005

##### INQUIRY— COMMENT IN SPEECH BY SENATOR TKACHUK

**Hon. Jack Austin (Leader of the Government):** Yesterday, honourable senators, when Senator Tkachuk was speaking on Senator Kinsella's budget inquiry, he made a statement in *Debates of the Senate*, which is our official record, that is outrageous and false and I believe requires immediate correction. Instead of waiting until I have an opportunity to participate in Senator Kinsella's inquiry, I am using this venue to correct the record now.

Yesterday, when Senator Tkachuk was speaking about user fees and taxes, he said:

...it is no wonder that we rank, according to Transparency International, as the twelfth most corrupt country in the world — twelfth most corrupt out of 146 countries ranked.

This is a shocking statement for a member of Canada's Parliament to make about his own country because it is a false statement. Transparency International, in fact, declared Canada to be the twelfth best country in this regard, ahead of nations such as the United States, France, Japan and Austria; and not the twelfth worst, which is the Ivory Coast. I trust Senator Tkachuk will acknowledge his error and apologize to all Canadians.

[Translation]

#### WORLD WATER DAY

**Hon. Madeleine Plamondon:** Honourable senators, yesterday was World Water Day. I have just returned from Indonesia and this is what I saw:

Epidemics have been avoided because of rapid intervention by the Red Cross, which has supplied drinking water and sanitation facilities. Water still has to be distributed in the camps and training given to Indonesians, so they can take over the water purification process, while awaiting a comprehensive plan that is slow in coming.



The wells are still unusable because of the tidal wave. Bottled water is still essential. At the Canada House which was made available to us, access to water is still primitive. A shower has just been installed, but there is no sink and no bathtub; there is a small body of water but it is so muddy the bottom cannot be seen. I can report that it is used for cooling oneself nevertheless, when the temperature is 31 degrees.

According to the United Nations, 1.1 billion people in the world do not have safe drinking water and 2.4 billion have no sanitation facilities. This situation causes the death of 3 million people per year.

Yesterday marked the beginning of the Water for Life campaign. It also reminds us that 25 years ago the international community set itself the goal of ensuring that all people had access to safe drinking water by the turn of the century.

Today in 2005 we are far short of that goal. We must now admit that the only realistic objective would be just to halve the number of people who live in extreme poverty with no access to drinking water. This objective cannot be achieved before 2015.

[English]

Honourable senators, more than 30 years ago, Canada made a commitment to spend 0.7 per cent of our GNP on international development. We have not lived up to our promises, spending approximately 0.3 per cent.

This section in the Orders of the Day is called Senators' Statements. We have to go beyond statements and demand action from the government.

[Translation]

Canada must increase its foreign aid by targeting programs that will provide drinking water and sanitation to the most vulnerable. It was Lester Brown who told us in Strasbourg that the lack of access in poor countries would cause significant population displacement. Such displacements will bring enormous social, economic and political problems.

There is still time to act. The consequences of the current disaster demonstrate forcefully that beyond the right to life there is a right to water, an essential element of life. Let us not be content with some statements by senators. Let us take action by exerting pressure on all governments, including our own, to make them keep their promises.

[English]

## WINTER SPECIAL OLYMPICS 2005

**Hon. Jim Munson:** Honourable senators, as you know, to be called to this chamber is an honour and privilege, and I am grateful for the time I have spent among you. However, I must be truthful and tell you the highlight for me has been as a senator off Parliament Hill, away from this place of rules and procedures, points of privilege and order.

[ Senator Plamondon ]

Earlier this month, I experienced a privilege of a different sort. I had the honour to attend the Special Olympics in Nagano, Japan. I was proud to be part of Canada's delegation to represent our country, to be part of an outstanding team of athletes, families, volunteers and coaches.

Of the many extraordinary people I have met since being called to this chamber, I cannot think of anyone as extraordinary as Raymond Rockburn, a 54-year-old figure skater from Ottawa, or Marc Theriault, originally from Gatineau, and now Surrey, British Columbia, a Special Olympics world champion, or Alyssa Dawn Hatton from Alberta, a downhill skier. These are only some of the fine Canadian athletes whom I had the privilege to meet in Nagano. I also met athletes from more than 80 countries, all special Olympians.

• (1350)

Senators, the world is a better place thanks to the Special Olympics. Started in 1968, the Special Olympics celebrate athleticism and sport among intellectually disabled people. Competitors from around the world have met in such places as Dublin, Toronto and Anchorage. The next summer games will be held in Shanghai, China, in 2007.

I have a special place in my heart for the Special Olympics because of my first son, Timothy James Alexander Munson. He was a Down Syndrome child whose smile filled me with joy for a short period of time. In the smiles, hugs and achievements I had the privilege to witness in Nagano, I felt the warmth of Timmy's long ago smile.

These moments of privilege are there, senators, beyond this chamber. I challenge you to engage in all our communities in the many facets of this rich and diverse society we call home. I urge you to go beyond this chamber to make a contribution. You will find great satisfaction and even smiles. You might yourself meet champions like Raymond Rockburn, Marc Theriault and Alyssa Dawn Hatton.

## EMPLOYMENT EQUITY FOR VISIBLE MINORITIES

**Hon. Donald H. Oliver:** Honourable senators, in the last five months, both the Public Service of Canada and the Senate of Canada have released employment equity reports. These reports examine in detail the efforts of both organizations to recruit and promote visible minorities at all organizational levels. Both reports document the dismal failure of the Senate and the Public Service to recruit and retain visible minorities.

The Public Service of Canada's 2000 *Embracing Change in the Federal Public Service* action plan report specified "one in five" hiring targets for external recruitment and participation in management development programs for visible minorities. Last month's report, *Employment Equity in the Federal Public Service 2003-04*, revealed that visible minorities comprise just 7.8 per cent of Canada's public service. Visible minorities are now more than 15 per cent of Canada. This represents a shameful 0.4 per cent increase over last year. The report also indicates that less than 5 per cent of visible minorities have been promoted to executive or middle management positions in the past year. Even more shameful, the percentage of promotions of visible minorities actually declined in 2003-04.

Honourable senators, the representation of visible minorities in the Public Service of Canada is appallingly low, but it is even lower within the administration levels of the Senate of Canada. The *Senate Human Resources Directorate's Employment Equity Report* released in September of 2004 showed a paltry increase of 0.9 per cent in visible minority representation from 2000 to 2004. Currently, visible minorities comprise only 6.8 per cent of the Senate's 425 employees, but it is in the senior and middle management positions where the Senate's record is especially shameful. Honourable senators, the number of visible minorities employed in senior and middle management positions in the Senate in the year 2000 was zero. In 2001, it was zero. In 2002, it was zero. In 2003, it was zero. In 2004, the number again was zero. In the last five years, there has not been a single visible minority candidate promoted to a senior or middle management position in the Senate, according to its own 2000 to 2004 Employment Equity Report. The Senate of Canada needs to make racial diversity a central policy imperative, because clearly it is not.

**Hon. Consiglio Di Nino:** Honourable senators, I should like to associate myself with Senator Oliver's comments. Both institutions, that is, the Senate of Canada and the Public Service of Canada, have clearly failed to effectively recruit and retain visible minorities. The *Employment Equity in the Federal Public Service 2003-04* purportedly "made diversity and the achievement of Embracing Change benchmarks corporate priorities for the 2003-04 fiscal year," but it has not. In fact, visible minorities comprise only 7.8 per cent of the federal public service. This number is well below the specified one in five recruitment target set by the Embracing Change report of 2000. Not only that, the report also indicates that the public service "did not meet the external recruitment benchmark set for 2003 and is only about half way to those set for 2005." It admits it will not meet the target.

Honourable senators, this is a disgrace, and sadly, the Senate's record in recruiting visible minorities is just as shameful. As we heard, visible minorities currently make up just 7 per cent of the Senate's 425 employees — less than half of the total percentage of the visible minority population in Canada.

Clearly, the Senate and the Public Service have failed to make diversity a fundamental policy objective, but there is a bigger matter at stake here. If Canada continues to ignore the talents of all its citizens, we do so at our own peril. The recently released Conference Board of Canada report, which by the way Senator Oliver spearheaded, has done the math as it relates to the potential contribution of visible minority communities to Canada's economy. The results are staggering. In 2001, the disposable income of employed, working-age members of these communities in Canada was estimated at \$78 billion. In terms of economic growth, the Conference Board expects that the total real GDP of Canada will increase by \$251.4 billion in labour force numbers and of the \$250 billion labour force gains, visible minorities account for a full \$80.9 billion, or 32 per cent, even though they comprise only 15 per cent of the population. Just think, honourable senators, how much greater these gains could be if Canada established effective public policies that fostered an overall employment culture that equally welcomed all of Canada's many diverse communities.

It is for this reason that I am happy to join Senator Oliver to launch a Notice of Inquiry to examine the failure of the Senate of Canada and the Public Service of Canada —

**The Hon. the Speaker:** Senator Di Nino, I regret to advise that the three minutes have expired, as have the 15 minutes for Senators' Statements.

## ROUTINE PROCEEDINGS

### BANKRUPTCY AND INSOLVENCY ACT

#### BILL TO AMEND—FIRST READING

**Hon. Wilfred P. Moore** presented Bill S-28, to amend the Bankruptcy and Insolvency Act.

Bill read first time.

**The Hon. the Speaker:** When shall this bill be read the second time?

On motion of Senator Moore, bill placed on the Orders of the Day for second reading two days hence.

• (1400)

## QUESTION PERIOD

### CANADA-UNITED STATES RELATIONS

#### VISIT BY PRIME MINISTER— SOFTWOOD LUMBER AND NAFTA AS AGENDA ITEMS

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, could the Leader of the Government in the Senate comment on reports that Prime Minister Martin failed to get the softwood lumber dispute and NAFTA on the formal agenda of the meeting with President Bush and the Mexican President in Texas?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I answered the question yesterday with respect to the agenda, both for the bilateral and the multilateral talks.

**Senator Kinsella:** Honourable senators, I will have to read the Hansard from yesterday. I am quite concerned about the issue of softwood lumber because it was in my home city of Fredericton last January, at the Liberal caucus gathering, when the Prime Minister raised certain expectations about this meeting. The Prime Minister stated that "there are gaps in NAFTA and they've got to be fixed."

He also made the claim that he reminded President Bush of this point of view in a telephone conversation and that they would be getting together to discuss these issues.



It now appears that the Prime Minister was either exaggerating in Fredericton or that he does not have any influence with the President of the United States. Has Mr. Martin been relegated to being the junior partner in his relationship with the President of the United States? If not, why did he fail to get his way in determining the agenda of the meeting in Texas? Did he not try hard enough? Does Mr. Martin just view this meeting as yet another photo opportunity meant to boost his government's sagging domestic profile?

**Senator Austin:** In response to the honourable senator, he has not put a question. He has put a bit of political rhetoric before the chamber.

With respect to the substantive questions, let us wait until the meetings are over and we have had a chance to consider the outcome. We can then discuss with some interest and seriousness this very important episode in Canada-United States relationships.

**Senator Kinsella:** Does the Leader of the Government in the Senate purport to advise this house that the Prime Minister of Canada is a silent partner in these discussions, or does he have any say at all in setting the agenda? It is being reported that the agenda has been set by the Americans. There are a number of serious items that should be on the agenda.

We will, hopefully, have a new Prime Minister shortly who will be setting agendas in meetings with the President of the United States, including issues that are of vital concern to Canada, such as softwood lumber. Could the minister advise?

**Senator Austin:** Honourable senators, again, my honourable friend's statement is nothing but political argument and rhetoric and not really part of the normal processes of Question Period here in the Senate.

The answer will come for Senator Kinsella — the revelation, perhaps — when the communiqué of the meetings between the President of the United States and the Prime Minister of Canada is issued, and with respect to the tri-national leaders' meeting as well.

"Reports" is a funny word in politics. It is not grounded in any reality. There are reports about everything. There are even reports about whether Canada is a corrupt country that are not grounded in reality.

## FISHERIES AND OCEANS

### PROTECTION OF INLAND FISHERIES

**Hon. Gerald J. Comeau:** Honourable senators, the latest budget from the Province of Newfoundland and Labrador increases the allocation for that province's Inland Fisheries Enforcement Program from \$360 million to \$800 million to provide additional funds, tools and resources to protect Atlantic salmon and other inland species from poaching.

In the budget, the provincial government stated that it is increasing funding for this program because "the federal government is not adequately living up to its responsibility to provide enforcement."

Could the Leader of the Government provide a response to this criticism from the Province of Newfoundland and Labrador and advise as to whether it should be the responsibility of the federal government and not the provincial government to live up to what is a federal constitutional responsibility, and that is to protect the inland fisheries from poaching and other such negative happenings?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will certainly refer Senator Comeau's question to the Minister of Fisheries and Oceans, along with some questions I have about the Fraser sockeye salmon fishery.

**Senator Comeau:** Good point.

## NATURAL RESOURCES

### NEWFOUNDLAND AND LABRADOR— ENABLING LEGISLATION FOR OFFSHORE OIL AND GAS AGREEMENT

**Hon. Gerald J. Comeau:** While we are on the subject of the Newfoundland and Labrador budget, in his budget speech, Newfoundland Finance Minister Loyola Sullivan said:

Our government looks forward to early passage of the enacting legislation through the Parliament of Canada so that Newfoundland and Labrador can begin to reap the benefits of our provincial share of offshore petroleum revenue and, in particular, the benefits from the advance payment of \$2 billion.

The agreement was concluded some two months ago. Could the Leader of the Government in the Senate advise as to when we can expect the legislation to be tabled so that we can give it speedy passage and put the cheque in the mail?

**Senator Oliver:** Excellent question!

**Hon. Jack Austin (Leader of the Government):** Honourable senators, Senator Comeau could ask that question of Senator Oliver because the answer is in the supply bill that is before the chamber today. I understand Senator Comeau wishes speedy passage.

## HEALTH

### FUNDING FOR ABORIGINAL HEALTH CARE

**Hon. Wilbert J. Keon:** Honourable senators, my question for the Leader of the Government in the Senate relates to Aboriginal health care funding.

At the beginning of the first ministers' meeting on health care last September, the Prime Minister announced a number of specific funding commitments to improve Aboriginal health care. This money totalled \$700 million over five years and is targeted toward several initiatives.

Yesterday, the Minister of Health expressed his frustration that six months have passed, yet this money has not been distributed and talks are too slow between Health Canada, Aboriginal groups and the provinces. The Assembly of First Nations has agreed with the minister, saying that the funding is extremely, urgently needed. Could the Leader of the Government in the Senate tell us what the federal government can do to speed up the flow of this money?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the question is most appreciated because it is obvious to all of us that the state of health of many of our Aboriginal communities is well below that of the general Canadian community.

The Prime Minister has initiated a set of partnership discussions with the leadership of the Aboriginal community, and health is one of the key issues. The process requires a sign-on by the federal side, along with the provinces and territories, and by the Aboriginal community, with whom we are engaged in talks relating to the institutional capacity of the Aboriginal community to deliver those services itself.

I recognize that the process is agonizingly slow. However, I believe it is also a sure process in the sense that once the agreements have been signed by the parties, funds will flow and the Aboriginal community will have a large role in determining the health care issues that affect them directly.

**Senator Keon:** Could the Leader of the Government in the Senate assure us that these funds will flow at least before the summer recess? Should they not, I would suspect there will be a major delay.

• (1410)

**Senator Austin:** Honourable senators, as Leader of the Government in the Senate, I am not in a position to give that assurance. However, I will certainly draw Senator Keon's questions on this topic to the attention of the Minister of Indian Affairs and Northern Development.

[Translation]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before moving to the next question, I would like to draw to your attention the presence in our gallery of the Honourable Kolawolé Idji, Speaker of the National Assembly of the Republic of Benin. He is accompanied by his Ambassador to Canada. On behalf of all the senators, welcome to the Senate of Canada.

[English]

## NATIONAL DEFENCE

### SEARCH AND RESCUE—REPLACEMENT PROGRAM FOR FIXED WING AIRCRAFT

**Hon. J. Michael Forrestall:** Honourable senators, my question is directed to the Leader of the Government in the Senate. He is aware, as are we all, of the importance of fixed wing aircraft in search and rescue work by those hardy Canadians who are usually first at the scene of a disaster, who drop tents, boats, life vests, food, medical supplies and other necessary paraphernalia for survival.

What is the status of a replacement program for the present aircraft, almost as ancient as the Sea King, that can carry out this vital work?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank Senator Forrestall for asking this important question. I will provide the following tentative answer: The government wants to replace six Buffalo search and rescue aircraft and 10 of the older Hercules that are currently engaged in search and rescue operations, and it is aggressively canvassing the criteria for replacement.

Two steps are required to do that. The first is the determination of the direction of defence policy, and the second is ensuring that a fair and transparent process for replacement is put in place for the competitors.

Honourable senators, this is an active item.

**Senator Forrestall:** Honourable senators, I appreciate that response, and I know that others concerned about this subject will as well. The minister might recommend to his colleagues and senior members of their staff the excellent report made to this chamber by the Standing Senate Committee on National Security and Defence which has dealt with this vital question, among others, in recent months.

I take the minister's response as an indication that, in some form or another, a request has gone out to the industry for expressions of interest.

**Senator Austin:** Honourable senators, I do not believe that is the case as yet. I will advise the chamber that we are tentatively looking at a contract of \$1.2 billion or \$1.3 billion.

**Senator Forrestall:** Honourable senators, I am aware of that. I believe that the minister has corrected me. I would ask him to convey a sense of urgency to the consultations with the industrial base and their capacity within their financial planning and productions to meet the requirements.

One way or another, we must have these aircraft pretty quickly or we might as well fold up our tents and steal quietly away.



**Senator Austin:** Honourable senators, I have no problem in joining in the view of Senator Forrestall. Canada has three oceans. Senator Forrestall represents a province on one side of the country and I one on the other. Search and rescue is a vital function for both of our provinces.

## TRANSPORT

### WELLAND CANAL—REDUCTION IN TOLLS

**Hon. David Tkachuk:** Honourable senators, today, the St. Lawrence Seaway announced a reduction in tolls along the Welland Canal, which reduction, it says in a news release, is the result of collaboration with Transport Canada.

Could the Leader of the Government in the Senate advise the Senate as to the exact extent of Transport Canada's involvement, and whether the reduction was the result of a petition of the St. Lawrence Seaway to the Department of Transport or of the Department of Transport to the St. Lawrence Seaway?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will respond to that question in a delayed answer.

### AIRPORT AUTHORITIES—RENTAL FEES

**Hon. David Tkachuk:** Honourable senators, it seems that the government is willing to tackle tolls along the Welland Canal but refuses to address the question of airport rents in the budget. Perhaps while getting answers to the first question the minister could also find out what it would take to get the Department of Transport interested in negotiating a reduction of rents for airports in the same way as they have done for tolls on the Welland Canal.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is no secret that the Department of Transport has had talks with all of Canada's rent-paying airports that have resulted in a series of contracts for rents being entered into with them over the last many years. It is the objective of this government to find a more equitable formula for those airports. I believe that Senator Tkachuk may be in a position to praise the government once our airport rent announcement is ready.

## JUSTICE

### CRIMINAL ACTIVITY IN MORTGAGE FRAUD AND IDENTITY THEFT

**Hon. Norman K. Atkins:** Honourable senators, my question is directed to the Leader of the Government in the Senate. CTV's program *W-FIVE* broadcast last Saturday contained a piece on how criminals are stealing identities, targeting homes with mortgage fraud and defrauding the banks with mortgage applications on overvalued properties. Numerous police forces have indicated that it is difficult to prosecute these criminals because, in many instances, the banks are uncooperative in releasing documents crucial to the investigation. In fact, even if the banks do cooperate, they ask for unreasonable fees to provide documents and, in many instances, they are not reporting the fraud. This is deemed to be because their losses are not always significant and because they obtain some insurance money on the mortgage.

Canadians are being subjected to three types of mortgage fraud. One is called "the burn." This is when a criminal trumps up a story of money owed, falsifies documents, forges signatures and obtains a lien on a property based on phoney debt. The criminal then files a transfer of ownership, which is seldom checked by signature verification. The offender then puts the unsuspecting property owner's house up for sale, obtains a mortgage on the property and walks away with the money. All the while, the unsuspecting homeowner knows nothing until he finds out his home is no longer his.

• (1420)

The other scam is called the "flip," where the criminal buys a property for very little value and sells it to an associate who repeats the process until the value is grossly inflated. Then an inflated appraisal is procured that is used to obtain a mortgage. The criminal then walks away with the money, and little can be done unless charges are filed by the bank involved.

Another major scam is identity theft, which I believe is the most intrusive. That is when criminals obtain mortgages in the name of someone else, having stolen that person's identity card and changed the picture. The unsuspecting victim knows nothing until he or she is contacted for unpaid mortgage payments or the police arrive at the door. The onus is then on the victim to try to clear up the mess. In some instances, the banks are holding victims responsible for these mortgages, despite the fraud.

Present estimates are that these kinds of fraud cost \$1.5 billion yearly and that they are escalating.

When will the government introduce legislation forcing the banks to report mortgage fraud and require them to cooperate with police investigations?

Will the government ensure that legislation is put in place that will offer some protection to the victims in these fraud cases and ensure that their legal costs are covered?

Finally, will the government put legislation in place that will ensure stiff penalties for the criminals convicted of these types of crimes?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I wish to thank Senator Atkins for bringing to our attention the issues that he has just raised in his question.

He has raised many issues. In answering, I would say that I will draw the question of Senator Atkins to the attention of the Minister of Justice and ask him to provide information. If, on the basis of that information, there might be a reason this chamber would consider an order of reference to the Standing Senate Committee on Banking, Trade and Commerce, then that might be one way that we could proceed to examine the facts and the practices of the banks.

I would, however, express personal surprise regarding one aspect of the question. The police forces have the authority under the Criminal Code to subpoena evidence. They need not ask for it. If there has been a request and a refusal, they can go before an

appropriate magistrate or judge and request the opportunity to do a search and seize pertinent information in pursuit of a criminal investigation. This question raises many issues. I will start a process of examining how we might respond to and deal with the issues raised.

**Senator Atkins:** I appreciate the answer of the Leader of the Government in the Senate. A tape recording of the program is available. On that tape, a number of police officers indicate their frustration with the banks. The minister should also know that when *W-FIVE* approached the five major banks, not one of them would give an interview.

## FINANCE

### EFFICACY OF CANADA EDUCATION SAVINGS GRANT PROGRAM

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate and concerns the Canada Education Savings Grant program.

Recently, a briefing note prepared for the finance minister was made public, and it acknowledged that this program is not benefiting low- and middle-income families. The briefing note states that it is not unexpected that this grant would mostly go to wealthier families, as they have greater ability to save money for their children's post-secondary education.

In light of this revelation, could the Leader of the Government in the Senate tell us why the federal government has continued to say publicly that this program is working for the families that need the help the most, when internally it appears to have evidence absolutely to the contrary?

**Hon. Jack Austin (Leader of the Government):** I will take the question as notice, honourable senators, and seek an answer.

**Senator LeBreton:** The contents of this briefing note validate the criticism that has been coming from various student groups for some time that this program is weighted in favour of wealthier families, as low-income families cannot afford to put aside thousands or hundreds of thousands of dollars for their children's future studies.

Could the Leader of the Government in the Senate tell us if the federal government has any plans to address the apparent imbalance related to this program?

**Senator Austin:** That is more or less the same as the first question of which I will take notice and endeavour to respond.

## INDUSTRY

### TECHNOLOGY PARTNERSHIPS PROGRAM— CRITERIA FOR RECEIVING GRANTS—PARTICIPATION BY WESTERN CANADIAN COMPANIES

**Hon. Mira Spivak:** Honourable senators, late last month, the government announced an award of \$115 million to Bell Helicopter Textron Canada Limited under the Technology Partnerships Program without the benefit of Treasury Board

approval. That is a small point. The award by this special operating agency of Industry Canada is in addition to \$224 million given to Textron by the agency's predecessor, the Defence Industry Productivity Program. In eight years, Technology Partnerships Canada has dispersed some \$2 billion in taxpayers' dollars and seen repayment of less than half of that amount. Of the \$2.7 billion to be disbursed, companies in Western Canada will only see 15 per cent, or a little over \$400 million, while Central Canada will receive more than \$2.2 billion.

What are the priorities in choosing companies for these awards, loans or whatever they are? Why is Western Canada not benefiting more from these funds that create jobs and promote diversity? During the recent trip out West by the Standing Senate Committee on Energy, the Environment and Natural Resources, delegations told us that, if they had more money, they could develop technology for the burning of biomass and other things of that sort.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I take it I do not have to answer a question with respect to the company mentioned by Senator Spivak.

With respect to Technology Partnerships Canada, of course, the criteria are a matter of public record and are available on the website of Industry Canada.

The program itself is based on allowing the private sector to advance technologies that may be considered to be leading edge in their particular fields and it is, as the Minister of Industry has recently said, a rather high-risk investment on the part of Canada. The criteria are not set for normal commercial investors, but for people who take a much higher risk in trying to advance technology for a much greater reward.

The basis of the Technology Partnership Program has never been that it would recover all of the funds transferred to the private sector for its research and risk.

With respect to Western Canada, I would like to see a much higher participation by Western Canadian companies in the Technology Partnerships Program. It is based, of course, on applications. I have inquired in the past with respect to that particular number, and I was told that Western Canadians were not as active in making applications as Ontarians and Quebecers, who have a much higher level of technology activity. Anything that honourable senators or I could do to advance Western Canadian participation would be in the interests of our region, no doubt.

• (1430)

**Senator Spivak:** Is the honourable senator saying that choosing companies is based on application only and that anyone who does not apply is not considered? Does the process not take into account the general picture in Canada? The results are skewed.

I did not ask the honourable senator a question about the repayment of loans. That is a whole other subject and is quite startling when one looks at it, not just in this program, but some of the others as well.



Is the honourable senator saying that companies are chosen by application only and that the general picture is not taken into consideration? For example, the oil sands is a huge area of technology that requires billions of dollars, and companies are putting in billions. Is the stated objective not to recover all the loans? Do I have that straight?

**Senator Austin:** I believe so and I hope I have it straight. My understanding of the program, and I will check it again, is that the federal government does not go out asking people to take its money. It has a program that is well known in the technology community, and it has criteria with respect to investment in leading edge technologies, not standard commercialized technology. We already know a lot about the technology, but there are areas in which there would be new commercial opportunities for Canada if developments could be advanced.

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting a delayed answer to an oral question posed in the Senate on February 17, 2005, by Senator St. Germain, addressing the subject of instituting a cull of older cows.

#### AGRICULTURE AND AGRI-FOOD

##### BOVINE SPONGIFORM ENCEPHALOPATHY— EFFECT ON CATTLE FARMERS

*(Response to question raised by Hon. Gerry St. Germain on February 17, 2005)*

On February 17, 2005, the Honourable Senator Gerry St. Germain asked the Leader of the Government in the Senate to take forward to cabinet the recommendation that we cull about 700,000 to 800,000 older cows at a price of around \$500 per head. He further recommended that as opposed to putting these animals into the food chain and moving them into the abattoir, they be put down and buried.

From his question, it appears that the assumption that the Honourable Senator is envisioning is that a cull of older animals be undertaken as a measure to support the cattle industry. While the aim is to support our industry, to date there has been little endorsement from producers of such an approach. There are concerns that a mass cull would negatively impact consumer perceptions. There are programs in existence which offer income support to producers affected by low cull cow prices, including the Canadian Agricultural Income Stabilization (CAIS) program which beef farmers can benefit from, and the Canadian Dairy Commission's increase in the milk price, which assists the dairy sector.

That being said, given the extension of the closure of the U.S. border to live Canadian cattle, the government is in the process of engaging with the cattle, beef and other ruminants sectors to assess the current situation and develop a vision and a path forward. No options are being ruled out at this stage, as industry and governments work out measures to address the challenges facing the sector.

#### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, before proceeding to Orders of the Day, I would like to introduce a visiting page from the House of Commons, Monica Cop. She is studying political science at the Faculty of Social Science of the University of Ottawa. Ms. Cop is from Toronto.

Welcome to the Senate.

**Hon. Senators:** Hear, hear!

#### ORDERS OF THE DAY

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, could I ask that Government Business be dealt with in the following order: first, the two supply bills, Bill C-41 and Bill C-42; followed by Bill C-18, to amend the Telefilm Canada Act; Bill S-18, to amend the Statistics Act; Bill C-3, the Coast Guard bill; and Bill C-33, budget implementation.

#### APPROPRIATION BILL NO. 4, 2004-05

##### SECOND READING

**Hon. Joseph A. Day** moved the second reading of Bill C-41, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005.

He said: Honourable senators, Bill C-41 is Appropriation Bill No. 4, the fourth supply bill for the fiscal year that will be ending in another week and a day. This is the final appropriation and supply bill under this fiscal year and covers items that were not defined fully in earlier supply bills.

Honourable senators, Supplementary Estimates (B) have been studied by your Standing Senate Committee on National Finance. The report from that study was dealt with in this chamber yesterday. The report was adopted following a presentation by the Chair of the National Finance Committee, Senator Oliver. Much of the detail with respect to Supplementary Estimates (B) appears in that report.

As honourable senators are aware, the practice with respect to a supply bill is that the report is done prior to receiving the bill. At the end of second reading, the bill normally would not be referred to committee since the basis for the bill has already been studied.

Honourable senators, the schedule attached to Bill C-41 is the same schedule that was studied by the committee and appears in Supplementary Estimates (B). I can confirm that it is the same schedule.

Supplementary Estimates (B) for 2004-05 were tabled here on March 7 and have been studied by our Standing Senate Committee on National Finance. Supplementary Estimates (B) has a net total of \$0.6 billion. The total voted amount is \$1.5 billion. There is a recovery or a decrease of \$0.9 billion in projected statutory spending from amounts forecast in the Main Estimates for this fiscal year, leaving a net of \$0.6 billion that will be added to government expenditures.

Honourable senators will recall that these supplementary estimates have been the subject of review and appear in the report. Of the voted budgetary amounts, and there are both voted and statutory amounts, some of the most important items for which approval is required include \$485 million in increased funding for the Canadian International Development Agency. Some of the activities of that agency are \$185 million for additional grants to international organizations, \$160 million to advance global immunization and \$140 million in support of the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria.

Another category of funding requested by this bill, a voted amount, is \$405 million in increased operating requirements for National Defence, \$215 million of which is to cover increases in pay and environmental and special allowances, and \$190 million is for the realignment of resources to address financial pressures within National Defence and the National Defence Services Program.

A number of other major items make up this increase in the voted amount, but I do not intend to go over all of them. I do think, however, that honourable senators will be interested in one particular item that appears at page 168. One can find a lot of interesting information in this Blue Book, and we have worked with Treasury Board to provide us with a clearer and more open presentation of that information.

• (1440)

Under the heading Parliament, the Senate of Canada has a new appropriation of \$1.7 million, and that \$1.7 million relates exclusively to increases in salaries and contributions to employee benefits. Whereas, the House of Commons has two categories of increases and new appropriations. One of those is \$14 million. That \$14 million is for increased allowances to Members of the House of Commons and retiring allowances, allowances for officers and Members of the House of Commons under the Parliament of Canada Act, and contributions to the members and their activities. I thought honourable senators would be interested in knowing that.

The result is the total estimate to year-end anticipated for the Senate is \$75 million, compared to \$242 million for the House of Commons.

[Translation]

As I have mentioned, there is a decrease of \$0.9 billion for statutory items. The largest single item is a decrease of \$722 million as a result of lower debt service forecasts. I could mention additional items, but they are in the Blue Book with the other categories of expenditures.

By means of Appropriation Bill No. 4 for 2004-05 we are seeking parliamentary authority for the expenditure of \$1.5 billion under the heading of voted expenditures. This amount has been allotted as a result of the planned expenditures announced by the Minister of National Defence in the federal Budget of February 2004 and the Economic and Fiscal Update of November 2004.

[English]

Honourable senators, I respectfully request the support of this supply bill.

**Hon. Noël A. Kinsella (Leader of the Opposition):** I wonder whether the honourable senator would take a question.

**Senator Day:** I would be pleased to take a question.

**Senator Kinsella:** Is it under this bill or is it the next one that the offshore payments, agreed to between the Prime Minister and the Premier of Newfoundland and Labrador, are covered? Is that this act or the next one?

**Senator Day:** With respect to the honourable senator, he will find that in the next book, Bill C-42, but if the honourable senator has a particular point that he would like to draw my attention to, I would be pleased to give an answer.

**Hon. Donald H. Oliver:** I would like to add a few comments to the remarks made by Senator Day, and I would like to thank my honourable colleague for the excellence of his detailed review of the provisions of this appropriation bill that came before the Standing Senate Committee on National Finance on March 7, 2005.

The committee, as you know, held two meetings to review these Supplementary Estimates. At the first meeting, officials from the Treasury Board Secretariat provided explanations on the structure and content of the supplementary estimates. A second meeting with these officials was held to obtain additional information on a wide range of questions raised by committee members.

Honourable senators, the report of the committee on the Supplementary Estimates (B) 2004-05, is based on the information gathered at those two meetings. The Supplementary Estimates (B) for the fiscal year 2004-05 seek Parliament's approval to spend a total of \$1.5 billion on expenditures that were not sufficiently developed or known when the 2004-05 Main Estimates or the Supplementary Estimates (A) of 2004-05 were tabled. They also provide information about reductions totalling \$0.9 billion in projected statutory spending that Parliament has already approved in legislation for a net supplementary estimate of about \$0.6 billion as outlined by Senator Day. The details of these proposed expenditures are well explained in the committee's report.



I will not take much time, honourable senators, but I would like to share with you some of the observations contained in the committee's report arising from questions that honourable senators asked at those two hearings.

I wish to stress that the committee was very pleased to see that the Supplementary Estimates (B) 2004-05 continue to build on improvements introduced last year with the Supplementary Estimates (A) 2004-05. These improvements provide greater transparency and consistency with other estimates documents. They also contribute to enhancing accountability to Parliament. Accountability and transparency are two of the issues that our committee is particularly concerned about.

I strongly believe that the improvement of the estimates documents is an iterative process that can only be achieved through an ongoing dialogue between parliamentarians and officials of the Treasury Board Secretariat. I can assure honourable senators that our committee is not only fully supportive of this dialogue, but it is also actively involved in the exercise of developing better information to support the spending plans of the federal government.

Honourable senators, while the committee commends the excellent progress made in recent years in the presentation of the estimates documents, we remain concerned in the way the information is presented in budget documents. More precisely, it is very difficult to reconcile budgetary information with data provided in the estimates documents. This is particularly true with respect to the budget plan and the Main Estimates, or reports on plans and priorities. Although the discrepancy between budgetary and estimates documents is a reflection of what they call budget secrecy, and the fact that departments have limited time to really integrate the new budget spending into their reports, plans and priorities, I believe that we must question how the information of these two sets of very important government documents can be reconciled. Perhaps more importantly, we must look at ways of integrating budgetary information into the estimates documents.

The Expenditure Review Committee has undertaken this work, and it has been of interest to our committee for some time. The February 2005 federal budget provided the details of this expenditure review exercise. The savings anticipated over the next five years will amount to approximately \$11 billion. The savings realized will then be reinvested in the government's higher priorities. I understand that the outcomes of the Expenditure Review Committee are not reflected in the Supplementary Estimates (B) 2004-05, since the reallocations will take place starting in 2005-06. However, they are also not included in the Main Estimates of 2005-06, for reasons of production constraints and budgetary secrecy.

The reallocation of funds associated with the expenditure review exercise will thus be considered within the context of the forthcoming 2005-06 supplementary estimates. Honourable senators, let me assure you that our committee will pursue its examination of the outcomes of the Expenditure Review Committee exercise in its review of the next set of Supplementary Estimates, coming later in the year.

During the hearings on the Supplementary Estimates (B) 2004-05, senators expressed concerns about the possibility of irresponsible year-end spending. We were informed that year-end spending was a problem some 10 years ago, but that it has been greatly alleviated by the introduction of what they called the "operating budget carry forward policy." This practice is approved by the Treasury Board, which allows federal departments and agencies to carry forward from one fiscal year to the next fiscal year up to 5 per cent of the Main Estimates operating budget. Officials from the Treasury Board Secretariat informed the committee that the policy largely takes away any lack of incentive for a department to spend the money sensibly during the year. They stated that it is an effective policy, which combined with the \$1 billion government-wide reallocation initiative in 2004-05, and the Expenditure Review Committee exercise, greatly limits the scope of irresponsible year-end spending.

Senators were also interested in projected statutory spending. Statutory expenditures are those authorized by Parliament through enabling legislation. As such, they are not voted on annually as part of the consideration of the estimates documents. They are thus included in the estimates documents for information purposes only. The Supplementary Estimates 2004-05 include net reductions of \$893.6 million in projected statutory spending. These reductions are attributable, among others, to changes in projected or forecast expenditures.

• (1450)

Honourable senators, our Finance Committee wanted to obtain clarification of these revised forecasts. We wanted to know whether they resulted from an underestimation of planned spending or a change in legislation. We were told that, in many instances, statutory spending is basically formula-funded. Statutory expenditures are driven by economic and demographic variables, and any change in these variables requires revisions to their forecasts.

Honourable senators, let me give you an example of employment insurance, the EI account. The Supplementary Estimates (B) 2004-05 indicates a downward adjustment to the forecast of net EI benefits. The committee was told that this reduction in the forecast of EI benefits is due to the fact that the Canadian economy grew much more strongly than expected in 2004. This, in turn, resulted in a higher-than-expected growth in employment. This is only a decrease in the forecast, which will in no way result in a denial of the EI benefits.

One of the areas that interested a number of us was the global health initiatives. Our committee was interested in the funding of some federal global health initiatives. The Supplementary Estimates (B) 2004-05 are seeking additional funding for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, totalling \$140 million.

We were informed that the fund is not part of the Jean Chrétien Pledge to Africa, Bill C-9, adopted in May 2004. It is a concerted, multilateral effort to accelerate global action to tackle HIV/AIDS, tuberculosis and malaria by improving access to information, goods and services needed by those suffering from these diseases.

The fund rests on a partnership between government, civil society and private sector, and affected communities. The funding by all partners of the fund was estimated to be US \$50 million for 2004-05. We were told by Treasury Board that since its inception in 2001, the fund has committed US \$1.5 billion to support 154 programs in 93 countries worldwide.

Honourable senators, the committee also devoted some time to the federal government's disaster relief and rehabilitation assistance package in response to the South Asian tsunami. We were informed that the federal government has committed to provide a total of \$425 million over a five-year period in response to the tsunami. Of this amount, \$265 million is for humanitarian rehabilitation assistance while \$160 million is to be devoted to reconstruction assistance to the affected regions. Some \$256 million has been included in the Supplementary Estimates (B) 2004-05, and is required by the following four departments and agencies: CIDA, \$223 million; National Defence, \$20 million; Foreign Affairs, \$9 million; and Citizenship and Immigration, \$4 million.

We were told that it is CIDA's intention to commit the \$223 million before March 31, 2005, and I learned at a meeting yesterday, honourable senators, that that amount has been committed and spent. The obligations must be incurred by the end of the fiscal year although payments can be dated later. The \$223 million sought by CIDA in the Supplementary Estimates (B) 2004-05 also included the \$65 million provided in advance under the Treasury Board vote 5.

In conclusion, honourable senators, the report of the committee on the Supplementary Estimates (B) 2004-05 discusses several other items, such as the newly announced centralized government advertising program, the funding for the Forum of Federations, spending on policy research at the Privy Council Office and the deferral of contributions at the Canadian International Development Agency. This concludes my remarks on the Supplementary Estimates (B) 2004-05.

**The Hon. the Speaker:** No senator rising, I ask honourable senators if they are ready for the question.

**Hon. Senators:** Question!

**The Hon. the Speaker:** It was moved by the Honourable Senator Day, seconded by the Honourable Senator Banks, that this bill be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

[Translation]

### THIRD READING

**The Hon. the Speaker:** Honourable senators, when shall the bill be read the third time?

**Hon. Joseph A. Day:** Honourable senators, notwithstanding rule 58(1)(b), I move that the bill be read the third time immediately.

Motion agreed to and bill read third time and passed.

### APPROPRIATION BILL NO. 1, 2005-06

#### SECOND READING

**Hon. Joseph A. Day** moved the second reading of Bill C-42, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006.

He said: Honourable senators, Appropriation Bill No. 1, 2005-06, which is before us today provides for the release of interim supply for the 2005-06 Main Estimates that were tabled in the Senate on March 7, 2005.

You have read the report of the Senate Standing Committee on National Finance, which was adopted yesterday in this place. The government is presenting supplementary estimates to Parliament to support its request for authority to spend public funds. The estimates contain information on both budgetary and non-budgetary spending authorities. Parliament will study the appropriation bills to authorize these expenditures.

The amount of \$185.9 billion in the 2005-06 Main Estimates is included in forecast budgetary expenditures as announced by the Minister of Finance in the federal budget of February 2004. The Economic and Fiscal Update of November 2004 is included in Part 1 of the 2005-06 Main Estimates.

[English]

Part 1 of the Main Estimates also includes a concise listing of major changes compared to the 2004-05 Main Estimates. A number of those major changes in the presentation of information are the result of work that we have done in your Finance Committee.

Honourable senators will recall that the estimates were discussed in some detail with the Treasury Board secretariat officials in appearances before the Standing Senate Committee on National Finance in March earlier this month.

The 2005-06 Main Estimates total \$187.6 billion, of which \$185.9 billion is budgetary expenditures and \$1.7 billion is non-budgetary. Budgetary expenditures, honourable senators, include the cost of servicing the public debt, operating and capital expenditures, transfer payments to other levels of government, organizations and individuals and payments to Crown corporations.

• (1500)

Non-budgetary expenditures are loans or investments made on behalf of the government but transactions which affect the financial situation of the government and, therefore, must be shown.



Both budgetary and non-budgetary expenditures may be authorized in one of two ways: either through votes, supply or appropriation, as it is sometimes referred to, or alternatively, through statute. Accordingly, of the \$187.6 billion that is being sought in the Main Estimates that can be split into appropriated or voted items for which spending authority is being sought, for 2005-06, these items amount to approximately \$66.1 billion or 35 per cent of the published Main Estimates. In other words, 65 per cent of the published Main Estimates are statutory and have been approved for expenditure outside of the supply bills.

The total mount of statutory items for which spending is authorized through various approved legislation, for example, employment insurance benefits, benefits for the elderly, Canada health transfers, and transfers to provinces and territories, for 2005-06 is \$121.4 billion.

Of the \$66.1 billion in appropriated or voted items in our Main Estimates for the year, authority at this time, honourable senators, is being sought for only a portion of that. That gives us an opportunity to continue to study the Main Estimates as your Committee on National Finance and to report back to you again before the end of June on the Main Estimates before there is full appropriation based on the Main Estimates.

The amount that is being sought in Bill C-42 is \$20.5 billion, which, as honourable senators will see from the schedules attached, ranges from three months of the year, in some instances, to more months, depending on the particular item and how much is needed at the front-end of the fiscal year.

Your National Finance Committee will continue to study these Main Estimates with your direction, and the further report will be filed prior to the next supply bill, which is full supply on these Main Estimates normally expected in late June.

Honourable senators, I respectfully request support for the supply bill.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, would Honourable Senator Day show us where in this supply bill provision is made for covering the off-shore agreements that were reached in January between the Government of Canada and the Government of Newfoundland and Labrador?

**Senator Day:** I thank the honourable senator for his question. With the warning that he was able to give me in his earlier question, and I appreciate that this is not the supply bill, but the supply bill is based on the estimates and with some time I will locate this for you. I can now locate in the Main Estimates, at page 21-6 under Natural Resources, transfer payments. I should point out as well that it is statutory, and that means it is under another act. It is not part of the supply, but information is being given to you so that you know what is happening with the fiscal situation of the government. At page 21-6 of the Main Estimates for 2005-06, there is \$3,900 million contribution to Canada-Newfoundland off-shore petroleum, and \$2,700 million to Nova Scotia off-shore petroleum. Those are the two figures that appear under Natural Resources.

**Senator Kinsella:** I thank the honourable senator for that research. Which section of the bill provides for this? Perhaps the honourable senator could read that for us. What I am leading to is, with the adoption of this bill, will the Government of Canada be in a position to cut a cheque forthwith?

**Senator Comeau:** Good question!

**Hon. Bill Rompkey (Deputy Leader of the Government):** Say "yes."

**Senator Day:** Honourable Senator Rompkey would be pleased if I was able to answer that quickly by saying we could cut a cheque for Newfoundland immediately, but since this appears in another statute and is statutory spending and, without having that statute before me, I cannot answer that question.

**Senator Kinsella:** Honourable senators, this is a matter of some seriousness, and we must have clarity. The minister in this chamber told us during Question Period that the funds under the off-shore agreements will flow as soon as the supply bills are passed. That is what we heard during Question Period. I want to see the statutory instrument that will make that happen.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I may have misspoken myself —

**Some Hon. Senators:** Oh, oh.

**Senator Austin:** — if I made that statement. I may have misunderstood the question, and that sometimes does happen.

**Senator Comeau:** The question was clear.

**Senator Austin:** The government will be introducing legislation to authorize those transfers. They are agreed transfers between the Government of Canada and the Province of Newfoundland and Labrador, and the Government of Canada and the Province of Nova Scotia.

**Senator Kinsella:** Senator Rompkey, do not hold your breath.

**Hon. Gerald J. Comeau:** Next time I will read my question more slowly so that the Leader of the Government in the Senate can understand more clearly. My question was quite clear today in Question Period: When will the cheque be cut? The response was that it was now before the Senate Finance Committee, which my honourable colleague, Senator Oliver, happens to chair. I had not read the supply bills completely. I assumed from the response of the Leader of the Government in the Senate that in fact the cheque was about to be signed and sent, so I sat down quite happily. I am sorry to hear that the cheque is not about to be cut. Senator Oliver, who was scrambling to find it in the supply bill somewhere and had not been able to find it, had been exonerated on the question that was asked.

**Senator Austin:** Honourable senators, I do not recall hearing the question, "When will the cheque be cut?" What I thought I heard was, "Are the payments being authorized?"

**Some Hon. Senators:** Oh, oh.

**Senator Austin:** They are and will be authorized by legislation. In the meantime, it is my understanding, but perhaps Senator Oliver or Senator Day can inform us, that there will be no loss of interest to those provinces.

**Hon. Donald H. Oliver:** Honourable senators, even though Senator Day has, as usual, done an excellent job of explaining this appropriations bill, I would, with your leave, like to make a few comments on it.

I wish to point out to honourable senators that the Main Estimates for the upcoming year 2005-06, of which this bill is based, were referred to the Standing Senate Committee on National Finance only on March 7, 2005. However, the committee will stay seized of this particular issue and continue to study this particular issue of the Main Estimates throughout the entire year.

I should like to discuss the expenditures that come before you for approval in this appropriation bill. As honourable senators are no doubt aware, the February 2005 federal budget introduced new spending priorities and tax initiatives that will cost the government an additional \$3 billion for the coming fiscal year. In total, these expenditures will cost an extra \$49 billion in the next five fiscal years. As honourable senators will note, this budget presents five-year projections, reflecting the fact that the vast majority of the commitments made in this budget extend beyond the traditional two-year planning horizon.

• (1510)

The February 2005 budget also provides details of the expenditure review exercise. The work of the Expenditure Review Committee has been of interest to our committee for some time now. As detailed in budget documents, the savings anticipated over the next five years will amount to at least \$10.9 billion, starting with approximately \$0.8 billion in savings over the 2005-06 fiscal year.

According to the budget plan, of this \$10.9 billion in savings, over \$7 billion will be redirected back toward the costs of new initiatives announced in the budget. The net impact of this announcement is included in the planned budgetary expenditures of \$196.4 billion laid out by the Minister of Finance in his budget.

During the committee meeting with Minister Alcock, senators raised the fact that the savings and spending decisions that result from the expenditure review process are not reflected in the Main Estimates. The minister assured senators that the material would be included in the Supplementary Estimates (A) to be released later this year.

Let me reassure honourable senators that the committee will pursue its examination of the outcomes of the Expenditure Review Committee in its review of the next set of supplementary estimates in the coming year.

I should also say something briefly about reporting improvements. The 2005 federal budget also commits the government to further improvements in reporting to Parliament. On this point, however, the committee remains concerned, as previous reports by the committee have observed that it is very difficult to reconcile the budgetary information with data provided in the estimates documents. This is particularly true with respect to the 2005 budget plan and the Main Estimates of 2005-06.

We were pleased to see that the presentation of the Main Estimates 2005-06 provides more information on program spending and a breakdown of expenditures by category. The committee believes that this new presentation of government spending contains an abundance of information that is useful to the estimates oversight process. We encourage the Treasury Board Secretariat to continue to build on this success by looking at ways to integrate budgetary information into the Main Estimates documents.

Honourable senators have heard Senator Murray and other senators commenting for years on the difficulties with Treasury Board contingency vote 5. As honourable senators are no doubt aware, the manner in which contingency funds are used under vote 5 has been a recurring concern for the Standing Senate Committee on National Finance. The committee was interested in the new and expanded explanation of Treasury Board vote 5 contained in the Main Estimates of 2005-06. This new explanation is almost twice as long as the version that appeared in last year's estimates documents. This new explanation may address some of the concerns raised in the past by the committee. However, the vote wording has not changed from last year.

At the hearings of our National Finance Committee on the 2005-06 estimates, Minister Alcock provided the committee with his proposed changes in the wording of Treasury Board vote 5 and the guidelines governing the work of Treasury Board analysts, but he only gave us that document at the time of the hearing. We did not have a chance to study it, and he has given an undertaking that he will come back before the committee later this year when we can pose questions based on the new document to see how it complies with previous recommendations made by the committee for improving and controlling Treasury Board vote 5.

Honourable senators, our committee also discussed with Minister Alcock the budgets of officers of Parliament. We indicated that their budgets may be inadequate for them to carry out their mandates as set by Parliament and that the current method used to determine these budgets may need to be reviewed.

The minister informed the committee that Treasury Board officials are currently working with the Office of the Auditor General to examine a range of options. He indicated that one possible approach to the problem would attempt to standardize the process of budget determination for all officers of Parliament. The argument is that a standard piece of legislation would be required to define accountability relationships for all parliamentary officers, then these officers would be able to carry out their roles under the existing legislation independent of the new legislation.



The committee hopes to explore the issue of the funding of officers of Parliament in more detail in the coming weeks and intends to submit its findings on same to this chamber in due course.

In conclusion, honourable senators, these and other matters were discussed during the committee's initial examination of the 2005-06 Main Estimates. In the coming months, the committee intends to return to some of these topics and other items in the current estimates in order to more fully examine the government's spending plans for the 2005-06 fiscal year and to report on this work at a future date.

Honourable senators, Appropriation Bill No. 1 is for the release of interim supply for the coming fiscal year based on these Main Estimates beginning April 1, 2005. I expect that in June of this year another appropriations bill will be submitted for release of further funds under the Main Estimates.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

### THIRD READING

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

**Hon. Joseph A. Day:** With leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be read the third time now.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

[Translation]

### TELEFILM CANADA ACT

#### BILL TO AMEND—THIRD READING

**Hon. Maria Chaput** moved the third reading of Bill C-18, to amend the Telefilm Canada Act and another Act.

She said: Honourable senators, it is an honour to take part in this important debate. My speech will be very brief, because, in my opinion, everything has been said.

[ Senator Oliver ]

Bill C-18, An Act to amend the Telefilm Canada Act and another Act, has reached the end of the legislative process. Soon, we will be able to see this legislation officially recognize the excellent work done by Telefilm Canada, which has demonstrated that quality and success can go hand in hand.

Since the honourable senators are very knowledgeable about the technicalities of this bill, there is not much more I need to say.

[English]

I will underline three important points. First, Telefilm Canada's current programs and activities will remain the same following the passage of Bill C-18. The only difference is that these activities will now be more completely reflected in the appropriate act. Second, thanks to the bill's validation clause, past activities in television new media will now be considered valid in law as well as the agreements between the department and Telefilm in sound recording. Third, the Standing Senate Committee on Transport and Communications has appended to its sixth report certain observations relating to the bill. I would thank my honourable colleagues for having brought them to the attention of the committee.

As we approach the end of the legislative process, let us give Telefilm the mandate it needs to carry on with its work — work that benefits everyone who enjoys Canadian audio-visual productions. For these reasons, I encourage all honourable senators to join me in supporting Bill C-18.

• (1520)

**Hon. David Tkachuk:** Honourable senators, perhaps the most striking part of the testimony of the minister at our hearings was when she talked about the star system in the province of Quebec and attempted to take credit for Telefilm Canada and the government's actions in saying that is something that English Canada must do. I had to remind her that Bryan Adams, Michael Bublé, Michael J. Fox, Alanis Morissette, the producer of *Saturday Night Live*, William Shatner and others were formidable stars from the rest of Canada, most of whom had nothing to do with Telefilm Canada.

We on this side support Bill C-18, though with some reluctance. We support it because it is time that the government created some sort of mandate that catches up with the activities of Telefilm Canada. The original intent of Telefilm was of course to produce film. It has gone on over the last 20 years to provide money for music, for recording studios and television productions and many other facets of the cultural milieu of Canada perhaps to the detriment of film or maybe to its benefit.

Telefilm Canada has been engaging in activities that are outside its mandate, and that is what this bill, in its own small way, is attempting to deal with. It has been engaging in these activities outside of its mandate for decades, which is not a good way to run a Crown corporation.

The sponsors and initiators of this proposed legislation told us that no one noticed that anything was amiss until the Auditor General's report of 2004 reminded the government that it should pass this legislation. Actually, Pierre Juneau noticed it in 1996, a

full eight years before the Auditor General did. We were told that unless it suits them, the government was not paying particular attention to its own commissions that it funded with taxpayers' money.

We also raised several other concerns in the committee hearings. Senator Carney noted a lack of definition of terms in the bill. The word "music," she noted, is not defined in the bill; neither is the term "audiovisual, which is what the bill is supposed to accomplish. They can spend money on audiovisual things, but "audiovisual" is not defined. Some of us are old enough to remember that "audiovisual" had a totally different meaning 30 years ago when it referred to an the overhead projector and white screen, but it has a whole new meaning today.

There was also a lack of satisfactory answers from the minister to address Senator Carney's concern. To ask us to approve a bill because a mandate is flawed and replace it with another bill that does not define the mandate is asking a lot.

Senator Johnson worried that outside Quebec, where fine feature films are being produced, the feature film industry in Canada is suffering and Telefilm's focus on new media and other audiovisual activities will further detract from a focus on feature films, which is the area where it was originally intended to concentrate its efforts.

Finally, honourable senators, as hard as Senator Carney and Senator Eyton tried, they could not get the witnesses to clearly explain clause 8, which in one stroke removes Telefilm Canada from the list of Crown corporations exempt from certain provisions of the Financial Administration Act and in the next stroke immediately restores it to that list. Again, given the history of this organization and this government, we would prefer if the bill erred on the side of clarity rather than obfuscation.

We were satisfied, after much questioning, that the bill would achieve its purpose, but it was very difficult for us to understand.

According to the minister, Bill C-18 is interim legislation until a more substantive bill comes along to modernize Telefilm Canada. She would not give us a time when that legislation would be introduced, but she did say it was on its way. Only when the legislation arrives can we have a full debate about the organization, what it does and how successful it is or is not about what it does. I look forward to that legislation, for Telefilm needs a lot of examination. To that debate, I intend to be a full and energetic participant.

**The Hon. the Speaker:** No senator rising to speak or address the matter further, I ask honourable senators if they are ready for the question.

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

## STATISTICS ACT

### BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Losier-Cool, for the third reading of Bill S-18, An Act to amend the Statistics Act;

And on the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Cochrane, that Bill S-18 be not now read a third time but that it be amended in clause 1, on page 1, by replacing line 8, with the following:

"between 1910 and 1918 is no longer subject to"

**Hon. Madeleine Plamondon:** Honourable senators, I wanted to speak to Bill S-18 out of conviction and duty. My intention is to make a non-partisan speech. My aim is to draw attention to the perception of the government's role and public expectations of parliamentarians.

In my opinion, this bill seeks to renege on a promise made to our grandparents. If we betray our grandparents, our grandchildren will betray us.

Canadians want a strong government, able to withstand attacks from all sides, that will protect their rights. Even in these difficult times when public confidence in politicians is at an all-time low, Canadians want to hear that they can rely on their government to protect them.

Numerous polls confirm this fact. Canadians do not have a very high opinion of politicians. Breaking a promise will not improve this perception.

The following are some poll results. An Ipsos-Reid poll on the most trustworthy professions ranked politicians, on a national scale, behind used car salesmen.

Another poll by Elections Canada, a non-partisan agency, of people who did not vote in the 2000 federal election showed that one of the main reasons people do not trust politicians was broken promises. If we want to find a way to get Canadians to vote, we must begin by earning their trust. Breaching a confidentiality clause will not help.

A recent Environics Research poll, as reported by CBC News, showed that 75 per cent of respondents said they did not count on promises made by politicians.

Politics in Review showed that only 25.4 per cent of young people voted in 2000. One of the reasons was the large number of broken promises. Census forms are more than just promises. Passing Bill S-18 would set the stage for breaching a confidentiality clause.



There is still more to consider in Bill S-18. This bill is flawed because it contains contradictions. The contradiction is this.

• (1530)

Bill S-18 proposes the disclosure after 92 years, without request for consent, of the census returns from 1918 to 2001 inclusive. However, consent will be necessary after 2001.

In fact, this same bill proposes to include in the 2006 form, which is the next census, a consent clause to offer a choice to citizens. That is known as "opting in."

How can the same bill presume consent for censuses prior to 2001 and, on the other hand, recognize that consent is required for the next census? Is it to appease public opinion for a period of time?

It is this troubling fact that prompts me to intervene in the debate today. The former Privacy Commissioner, Bruce Philips, insisted that it was necessary to obtain the consent of the persons involved when information was to be disclosed for purposes other than those for which it was collected. He emphasized that the census questionnaires were increasingly intrusive and that respect for privacy represented a public right that was greatly valued in our society.

The fact the present commissioner has given her support to this bill does not impress me at all. Canada has a good reputation on the international level. I have participated in international meetings about privacy and Canada is respected. I am afraid there will be a loss of respect if the OECD guidelines that were established for the private sector are not observed by the government itself.

The guidelines specify that personal data should at all times be obtained with the consent of the data subject; that data should be relevant to the purposes for which they are to be used, and be accurate, complete and up-to-date; that the purposes for which data are collected should be specified in advance; that the re-use of data for new purposes should not be permitted without the consent of the person concerned or without authorization; that data should be protected by reasonable security safeguards; that practices related to the collection, storage and use of data should be transparent and provide for the right of access; and that the data controller should be accountable for complying with measures to protect data.

Of course, these are voluntary measures. They do not have the force of law; but they reflect a commitment made on the honour of Canadians.

The right to privacy is entrenched in the Charter of Rights and Freedoms. Moreover, Canada ratified the Universal Declaration of Human Rights Convention in 1976.

The comments of a great defender of privacy, former Supreme Court Justice LaForest, who was a frequent source of inspiration to me before I came to the Senate, have been quoted as favourable to this bill. I am not certain that if he were on the bench in the Supreme Court his judgment, which is much more than a comment, would not have taken account of the confidentiality clause that is contained in the census form.

Other questions should also be raised. Is the information that the government plans to collect and make available true? Has the census taker correctly recorded the information? Is there a risk of loss of reputation, for example, by grandparents in terms of their grandchildren?

Has anyone considered the possibility that people responding to the census give answers that do not reflect reality? In 2001, in Australia, people were asked: Do you give your consent for the disclosure of this information? Of those who were interviewed for the census, 31.9 per cent refused to give their consent.

In conclusion, I will leave you with some questions to which you can find your own answers, but I will give mine. Does this bill reinforce citizen protection? No.

Does this bill improve the image of politicians in Canada and the world? No.

In the context of a minority government, is it appropriate to decrease protection of privacy? That is up to us to decide.

Historians will benefit, it seems. I have not seen any historians up in arms, and I wonder which ones these would be.

Genealogists will benefit. Does this represent all Canadians?

Might there be other lobbies that we have never mentioned? I am thinking for instance of certain religious groups which attach a great deal of importance to genealogy.

Does Bill S-18 open the door to other amendments to this legislation? Yes. Who can say that, sometime down the line, with respect to the clauses in the bill having to do with the information contained in the returns of each census of population, the 92 years will not be cut back to 50, then 20 and 10? When one realizes that the government has gone back on its commitment once, what is there to stop this from continuing to happen?

If Bill S-18 proposes a consent form for the next census, while not respecting the confidentiality clause in past censuses, can we believe in the value of that consent, which strikes me as cosmetic, under the circumstances?

If Bill S-18 becomes law, will people be able to refuse to fill out their census forms? At the moment, there is a \$500 fine or three months prison sentence if they do not complete the form, because there is every assurance that the answers given will remain confidential. But will we have a choice?

At the present time, there are four mandatory Statistics Canada questionnaires, and the rest are optional. Will all of them meet the same fate, eventually?

The Senate is a place for reflection, discussion and proposals. Let us ensure that it deserves respect by respecting a commitment that has been given, the promise of confidentiality.

If we betray the commitment given to our grandparents, our grandchildren will do the same with the commitments the government is now making to us.

**Hon. Gerald J. Comeau:** Honourable senators, I appreciate the remarks by Senator Plamondon. Census data will no longer be confidential because many of these people are dead or else very old. If they are dead, they will not object and those who are now very old will not object either because they have other things to do, such as looking after their health. The proposal has been made that, since there is no opposition from these people, why not open the documents? Is this a good argument?

**Senator Plamondon:** A principle is not negotiable. A principle is a word given; confidentiality. If we are going to start from scratch and ask for consent on the next census forms, let us do that.

We do it with the income tax forms. We cannot go back on our word on the pretext that people are dead or too old to notice what is going on. Reneging like that would be the same as saying that any time we cannot intervene, we can break our word. People want to believe in the government. It is true that politicians are not held in high esteem, but people have a need to believe in the government. In my opinion, one way to encourage that trust is to not break promises and not try to do later what one does not have the courage or initiative to do at some other time.

**Senator Comeau:** The media have paid little attention to the debate we have had in the Senate. That is par for the course. They rarely follow Senate debates.

• (1540)

What will the reaction be, in light of the comments you just made about the Canadian public's lack of respect, when politicians come in just above used-car salesmen. We can almost predict the reaction of the media when people learn that we are passing a bill betraying a promise our predecessors made for all those years. Can you imagine the media's reaction to the image we are projecting by adopting a bill that will break a promise we made for all those years? Do you expect a very strong reaction?

**Senator Plamondon:** The reaction of the media depends on priorities or breaking news. And, when we vote on a bill, that is not what we should base our decision on. It should be based on the merits of the bill. I think that the media may be interested in this aspect of the bill as yet another in a series of broken promises. They will say that we adopted this legislation and that we went back on our word. This hurts Canada not only domestically but also internationally.

Canada defends privacy protection in various forums. It would go back on the confidentiality clause and simply ignore it! I do not think Canada should do this.

[English]

**Hon. Wilfred P. Moore:** I would like to move adjournment of the debate.

**The Hon. the Speaker:** It is moved by the Honourable Senator Moore, seconded by the Honourable Senator Furey, that further debate be adjourned to the next sitting of the Senate.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I will put the question. Those in favour of the motion to adjourn will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion to adjourn will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the "nays" have it.

*And two honourable senators having risen:*

**Hon. Jack Austin (Leader of the Government):** I would like to speak on third reading.

**The Hon. the Speaker:** We have to dispose, first of all, of Senator Moore's motion to adjourn. I see two senators rising and am obliged to call in the senators. We will have a one-hour bell, unless it is agreed otherwise by the whips. For clarity, the one-hour bell will have us return for the vote at 4:40 p.m.

• (1640)

Motion negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Adams  
Andrychuk  
Atkins  
Banks  
Buchanan  
Carney  
Comeau  
Corbin  
Di Nino  
Eyton  
Forrestall  
Kinsella

LeBreton  
Lynch-Staunton  
Mahovlich  
Meighen  
Moore  
Oliver  
Plamondon  
Prud'homme  
Rivest  
Stollery  
Stratton—23

#### NAYS THE HONOURABLE SENATORS

Austin  
Bacon  
Carstairs  
Chaput  
Christensen  
Cook  
Day  
Fairbairn  
Fitzpatrick  
Fraser  
Furey  
Harb  
Hubley

Lapointe  
Léger  
Losier-Cool  
Mercer  
Milne  
Munson  
Pearson  
Pépin  
Poulin  
Robichaud  
Rompkey  
Smith—25



# ABSTENTIONS THE HONOURABLE SENATORS

Lavigne

Trenholme Counsell—2

**The Hon. the Speaker:** Do you wish to speak, Senator Moore?

**Senator Moore:** The Leader of the Government in the Senate indicated that he wishes to speak, so I will defer to him.

**Senator Austin:** Honourable senators, I rose to say that I wanted to speak on third reading and on the amendment, and immediately after that Senator Moore rose to move adjournment of the debate. That, I understand, is not a debatable motion, so we had a vote.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** It was the other way around.

**Senator Austin:** We had an adjournment.

**Hon. John Lynch-Staunton:** He moved first, and then you got up.

**Senator Austin:** The record will show —

**Senator Lynch-Staunton:** I have looked at the record.

**Senator Austin:** You have looked at the record? Perhaps the Speaker can correct me when he looks at the record.

Having resolved that question, honourable senators, I wanted to speak to the principle that has been addressed by Senator Plamondon and by others in this chamber. The principle that a government policy announced to the public is firm and immutable for all time is not a good principle of public policy. Governments, of course, want to keep their undertakings, and they should keep their undertakings.

**Senator Stratton:** Promise made; promise broken.

**Senator Austin:** Any change to an undertaking has to be made with great care and made only under circumstances in which there is a predominant public policy that demands the change. That is the axiom on which all governments must act. There is no such thing as the dead hand of the past controlling every action of this generation or of another generation. It is imperative in every government of any democratic kind that changes will take place.

Honourable senators may recall President Bush — not the present President Bush, but the previous President Bush — undertaking during his election campaign in his first term not to raise taxes in the United States.

**Senator Lynch-Staunton:** Was that a bill? Was that a law?

**Senator Austin:** He had to move away.

**Senator Lynch-Staunton:** Like your Red Book.

**Senator Austin:** Senator Lynch-Staunton, give me a chance to make my case here, and then you can say everything you want to say afterward.

**Senator Lynch-Staunton:** You liked to heckle us during the GST.

**Senator Austin:** I never heckled.

**Senator Lynch-Staunton:** Mr. Pure.

**Senator Austin:** This is not a courtesy that is appreciated.

I will go back to President Bush the first, who said to the American people, first of all, "Read my lips: There will be no change in taxation in my term of office."

**Senator Lynch-Staunton:** What bill is that?

**Senator Austin:** Then he had to change that undertaking and permit the rise of taxes in the United States because the changes in economic circumstances in the U.S. economy demanded that he act to adapt to the changing needs of public policy.

Honourable senators, there are many examples from many cases, but I think the point is simply made and I think it is understandable. There are times when, as much as we would like to keep a promise, to do so would cost the public more than not to do so. To govern is to choose. To govern is to make decisions in the public interest at the time you make them.

There is no relevance, as Senator Plamondon has correctly said, in our taking this decision to what the media may say about politicians. The media will say what the media wants to say. What we have to do is govern as we see the interest of the public to govern.

Honourable senators, this legislation has been before us for a long time in one form or another. It has been debated fully in every way, shape and form. This is a government bill. The government and the bill initiated here by the government is proposing to this chamber that there is a public interest in making information available 92 years after it is provided by Canadian individuals. The government has listened to arguments in this chamber and has proposed less than was originally requested.

• (1650)

I believe that we must give acknowledgement to people who study Canadians, our demography, the make-up of Canadian society and where we came from so that we know where we should go in terms of the public policy choices that have to be made.

This may seem idle to some, but public policy is based on facts. Public policy is based on analysis of who we are, where we have been and what we have chosen to do, and this bill will assist in that. I am not arguing that this bill is the *causa causans* of all public policy to come, but it will assist Canadians in the debate of the needs of our society and where we want to go and, in so doing, will assist government in making choices.

Honourable senators, we have been at this a long time. I would very much like to see this bill finally passed out of this chamber and over to the other place where they can debate all the issues that have been debated here. They can give due consideration to this proposed legislation at whatever speed they decide.

Honourable senators, I would ask you to allow this matter to be disposed of today.

**Senator Plamondon:** Honourable senators, I agree that the government has the right to change its mind, but not retroactively. I would agree to asking for consent on census forms from now on, but I do not agree to going back on the word that the government gave Canadians for previous censuses. I only wanted to indicate that nuance.

**Senator Austin:** I understand the argument of Senator Plamondon. However, the data for the last 90 to 100 years is relevant to public policy-making now. To be deprived of that data is to diminish our ability to analyze Canadian society and understand what the direction of Canadian society should be. I understand that we disagree.

**Hon. Eymard G. Corbin:** Honourable senators, I am not going to commit myself in words right now to the amendment or to the main motion, although when I spoke to this matter when Senator Milne's bill was before the Senate I indicated support, because I have, in the course of my many years, done genealogical research on my family.

[Translation]

The resources available for tracing our ancestry are wonderful. Everyone wants to know where they came from. I understand the need to do this properly and to keep one's word. I do not want to get into that at this time. Before going any further, I want to explain why I voted for the adjournment motion.

His Honour was still putting the matter to a vote and, in my eyes, the process was not yet finished when an honourable senator rose to indicate that he wanted to speak at third reading. I do not remember exactly whether Senator Moore had indicated that he wanted to adjourn the debate before, after or at the same time.

I have already voted for similar motions in the past for this reason. Parliament is a place where one expresses one's point of view to the best of one's knowledge and conscience. When one of my colleagues from either side of this chamber wants to adjourn a debate on a non-urgent matter, I do not see why we would not grant him the courtesy of allowing him to speak. I therefore voted in favour of Senator Moore's right to speak. He is an intelligent man, a man of experience. He followed the debate closely and I imagine that he wants to provide new insights. He wants to build on the arguments that were presented to us. That is the role of this House. I believe the senator has the right to be heard.

I have voted in favour of his right to speak and I want to hear what he has to say. I wanted to explain why I took this position earlier this afternoon.

[English]

**The Hon. the Speaker:** Honourable senators, before I lose the opportunity to do so, I should clarify what I, as presiding officer, saw and did in the context of both Senator Austin's and Senator Corbin's concerns.

I saw Senator Moore indicate he wished the floor, and I returned to him following an exchange in the house. As Senator Austin is the leader of one of the parties, had I seen him rise I would have recognized him on a priority basis, as I would recognize the Leader of the Opposition. However, I did not see Senator Austin rise until after I had indicated a mover and seconder and was in the process of asking whether there was agreement of the house.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators I wish to participate in the debate on the motion in amendment, that being the item now before us. Senator Austin drew to the attention of the Senate the importance of public policy development being based on the best data available to public policy-makers. That is obviously in the public interest. Surely, the whole intent of the first Statistics Act was that data would be gathered in the public interest — not in any private interest — to make it possible for the Government of Canada to study demographics and other factors of social and economic life so that the government could formulate the best possible policies in the interests of the country.

• (1700)

The amendment we are debating will protect the ability of the government to continue to collect census data, and it will protect individual rights. People will now know that individual data will no longer be as it was in the past — only available to the public sector, to the government, for the purpose that it was intended. From the beginning, the various statistics acts and amendments there to have always been based on a promise that personal data would not be shared. People will know that the data can be used in the public sector for policy development, but it is not available for private purposes. Even certain branches of the Crown corporation of the Government of Canada will not have access, because they are explicitly excluded. Income tax data is a specific example in that not all of those engaged in the development of public policy in the public interest from the various sectors of the various ministries will have access. Therefore, what came before us, and we all know the history of this bill, has to be one of the most poorly handled pieces of public legislation that has come by this chamber in a long time. I will not repeat that history. The fact is that the majority of amendments to the Statistics Act that occurred in the past occurred upon the promotion of a measure by a majority government. A majority government at that point in time continued that commitment. They made that promise that the data that people had to make available under serious sanctions would be used only in the public interest, not for private interest. These days, people do make these observations about government not keeping promises. I agree with Senator Austin when he says that we have to look at things in the here and now, but the here and now that we are involved in is a minority government in an era when there are questions as to whether you can trust governments and politicians. It is very unfortunate that



that kind of perception is out there. Very often the media attempts to perpetuate this myth, because I believe it to be a myth. I have yet to encounter a person, whether at the provincial federal or indeed the municipal level, engaged in public affairs who does not do so from the very best of intentions and motives. I have yet to meet a federal member of either House of Parliament laying awake at night trying to see whether they can come up with schemes to do ill to the people of Canada.

Members of Parliament, no matter which chamber, simply do not do that. It does not serve the country well to have those kinds of perceptions perpetrated and spread around by members of the media.

The point that I underscore is that there is a real distinction between data for public policy development reasons and data based on promises that have been made. It is not there, and should not be for purposes of private interests.

Honourable senators, this amendment is a solid one and I urge your support for it.

**Hon. Joan Fraser:** Honourable senators, I support this bill and I oppose the amendment. I have supported this bill in one form or another for six and a half years, if memory serves. The point is not my personal support. The point is that the substance of this bill has been before this chamber for that long.

I cannot think of anything else that has been debated, studied, voted upon, debated again, studied again, voted upon again to the extent of this measure. The legislation has been negotiated carefully with all interested parties. It has been the subject of expert examination and commentary for a very long time.

Honourable senators, I would be surprised if there is a new argument to be made, and I strongly urge that we get on with it.

**The Hon. the Speaker:** Senators not rising.

**Hon. Anne C. Cools:** Will the senator take a question?

**The Hon. the Speaker:** No. Did you wish to speak, Senator Cools?

**Senator Cools:** I am very curious. Senator Fraser just said, and I have heard this time and time again, that there is no need to spend any time seriously looking at the issues because the interested parties have been consulted. I am wondering, do the interested parties in these questions ever include Members of Parliament? Are Members of Parliament interested parties in any of these debates? From what I can see, the attitude of the government is the less debate in this place, the better, and the less time spent on these questions, the better. For that matter, if that is the position of the government, maybe they should just close the place down, and expose the situation for what it really is. You can hardly call these chambers debating chambers. As a matter of fact, I would contend that you can barely call these institutions Parliament any longer because it just seems that the entire system, both Houses of Parliament are enslaved to the Prime Minister and to the government.

I want to put on the record that I strenuously object to this notion that everybody out there has an interest, except Members of Parliament. I strongly object to people who will not debate. This is a debating chamber. As far as I am concerned, the duty of members of Parliament and senators is to ensure that every single

question is answered and that every single member's concern is addressed. As far as I am concerned, the night is young. Let the debate continue.

**Senator Moore:** I want to make it clear that my motivation in seeking the adjournment earlier was to have an opportunity to prepare my remarks. I do not want to give some kind of rambling dissertation here. Some statements and information came out yesterday and today that I think is important to the whole issue. I want an opportunity to reflect on that, to put my remarks together and to speak in a coherent fashion. Therefore I am urging that honourable senators support me and permit the debate to be adjourned.

**The Hon. the Speaker:** Our proceedings do not allow another motion to adjourn the debate unless there has been an intervening proceeding and there has not. We are at the point of hearing senators who may wish to speak or dealing with the question.

**Senator Cools:** Perhaps His Honour is saying that no one wants debate.

**The Hon. the Speaker:** Our rules provide for adjournment of the debate. We have adjourned the debate. It was voted on. I have consulted with the table in anticipation of this question.

**Senator Comeau:** On the amendment.

**The Hon. the Speaker:** On the amendment, and speaking is not an intervening event that permits the matter to be adjourned again. An intervening event is defined in *Beauchesne's* as something which is entered into the journals and simply speaking to the motion does not involve an entry in the journals, I am told. That being the case, we are on the amendment and either it will be spoken to or dealt with in another way, namely voted upon.

• (1710)

**Senator Cools:** Perhaps then I could take a shot at moving the adjournment of the debate. I have not paid much attention to this particular bill, and perhaps I should have. I too would like an opportunity to look at this matter, anything that could provoke this sort of a contention. As I said before, I just walked into the chamber. I heard there was some excitement so I came running in. I could move the adjournment.

**The Hon. the Speaker:** It is not a question of who makes the motion to adjourn; it is that the motion to adjourn is not in order, the Senate having spoken on the matter of adjournment in a standing vote.

**Hon. Senators:** Question!

**Senator Cools:** Perhaps, Your Honour, you could inform me as to precisely what it was that the chamber expresses opinion of, because my understanding is that motions of adjournment are motions of the individual who is moving them. I am quite happy to be wrong. Perhaps, His Honour could inform me on what happened or inform the chamber?

**The Hon. the Speaker:** We are trying to keep it as clear and straightforward as possible, as least I am. As I have indicated and I will repeat, the chamber has voted on whether or not debate be adjourned. The motion to adjourn was lost. We are on the amendment of Senator Comeau.

It is appropriate to speak at this time but if no one stands to speak — I am simply dealing with what is immediately before me — the next step is to deal with the matter before us. Someone either speaks, or we deal with the question.

**Hon. Senators:** Question!

**Hon. Marcel Prud'homme:** To clarify, I have been given advice that yes, indeed, you are absolutely right. The motion to adjourn was defeated, so either we speak or we vote. If we vote and we vote in favour, we return to the main motion and immediately an event having taken place, anybody can move the adjournment. That would be right. I am ready to vote and we will see what we do on third reading.

**The Hon. the Speaker:** Ready for the question, honourable senators?

**Hon. Senators:** Question!

**The Hon. the Speaker:** I will put the question, on the motion in amendment of Senator Comeau, all those in favour of the motion in amendment will please say "yea."

**Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion in amendment will please say "nay."

**Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** It is proposed by the whips that the bell ring for 15 minutes before vote, but I do require consent of the Senate.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** It is agreed the vote will be at 5:27.

Call in the senators.

• (1730)

Motion in amendment negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Atkins  
Buchanan  
Comeau  
Cools  
Di Nino

Kinsella  
LeBreton  
Lynch-Staunton  
Meighen  
Oliver  
Plamondon

Eyton  
Forrestall  
Johnson  
Keon

Prud'homme  
Rivest  
Stratton—19

#### NAYS THE HONOURABLE SENATORS

Adams  
Austin  
Bacon  
Banks  
Biron  
Carstairs  
Chaput  
Christensen  
Cook  
Day  
De Bané  
Fairbairn  
Fitzpatrick  
Fraser  
Furey  
Harb  
Hubley

Lapointe  
Lavigne  
Léger  
Losier-Cool  
Mahovlich  
Mercer  
Milne  
Moore  
Munson  
Pearson  
Pépin  
Poulin  
Robichaud  
Rompkey  
Stollery  
Trenholme Counsell  
Watt—34

#### ABSTENTIONS THE HONOURABLE SENATORS

Corbin—I

On motion of Senator Stratton, debate adjourned.

[Translation]

#### ROYAL ASSENT

**The Hon. the Speaker** informed the Senate that the following communication had been received:

#### RIDEAU HALL

March 23, 2005

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 23rd day of March, 2005, at 4:56 p.m.

Yours sincerely,

Curtis Barlow  
Deputy Secretary  
Policy, Program and Protocol

The Honourable  
The Speaker of the Senate  
Ottawa



Bills assented to on Wednesday, March 23, 2005:

An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion (*Bill S-17, Chapter 8, 2005*)

An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts (*Bill C-20, Chapter 9, 2005*)

An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts (*Bill C-6, Chapter 10, 2005*)

An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment (*Bill C-39, Chapter 11, 2005*)

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (*Bill C-41, Chapter 12, 2005*)

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 (*Bill C-42, Chapter 13, 2005*)

An Act to amend the Telefilm Canada Act and another Act (*Bill C-18, Chapter 14, 2005*)

• (1740)

[English]

**CANADA SHIPPING ACT  
CANADA SHIPPING ACT, 2001  
CANADA NATIONAL  
MARINE CONSERVATION AREAS ACT  
OCEANS ACT**

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Wilfred P. Moore** moved second reading of Bill C-3, to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

He said: Honourable senators, I am pleased to speak today at second reading of Bill C-3 to amend the Canada Shipping Act, the Canada Shipping Act 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

Honourable senators will recall that on December 12, 2003, the Government of Canada decided to consolidate responsibility for marine safety policy under the Minister of Transport. To make this clear to all Canadians, it is now necessary to amend references

to “minister” or “department” that appear in the four pieces of legislation to be amended by way of Bill C-3.

Perhaps a little history would be helpful here.

Since 1995, responsibility for marine safety has been shared between the Minister of Transport and the Minister of Fisheries and Oceans. The two ministers and their respective departments work closely together regarding vessel safety and the protection of marine environment. That said, the division of responsibility between the two has caused some confusion, and has presented some difficulties. This is particularly evident where there were separate regimes for pleasure craft and for commercial vessels.

Having one minister responsible for pleasure craft and the other responsible for commercial vessels was a constant concern for stakeholders. Moreover, while not at first evident, there were operational challenges concerning which department’s personnel were responsible for a particular vessel, and which rules applied.

More importantly, the split was not convenient for stakeholders. For the marine industry and for the countless Canadians who use our country’s vast waterways, often stakeholders simply did not know which minister or which department was responsible for what. The division of policy and enforcement responsibilities between Transport Canada and the Department of Fisheries and Oceans, DFO, was difficult for them to understand. This bill responds to their concerns.

Bill C-3 consolidates policy responsibility for marine safety and for the protection of the marine environment under one umbrella at Transport Canada. These policy responsibilities consist of those that had been held by the Canadian Coast Guard at the DFO, and include the responsibility for regulations governing pleasure craft safety, marine navigation services, pollution prevention and response and navigable waters protection.

In regard to pleasure craft safety, Transport Canada is now assuming responsibility for the following regulations: small vessel regulations, boating restriction regulations, competency of operators of pleasure craft regulations and the regulations pertaining to pleasure craft sewage pollution prevention.

Honourable senators, as a result of this, recreational craft will now be regulated by the same department that regulates vessels used for passenger transportation and for fishing. This is of the utmost importance to ensure that basic standards of safety are applied to vessels regardless of usage.

This transfer from Coast Guard to Transport Canada also includes the office of boating safety, together with all its related programs, including vessel licensing, operator competency, educational and awareness programs as well as responsibility for working with enforcement agencies such as the RCMP to monitor and ensure compliance.

Honourable senators may be interested to note that the office of boating safety, now within Transport Canada, will continue its work in partnership with the Canadian Coast Guard Auxiliary and with the Canadian Red Cross in the delivery of boating safety and awareness programs.

[ The Hon. the Speaker ]

In the area of marine navigation services, Transport Canada's new policy responsibilities include the regulations dealing with vessel trapping and services zones, the Eastern Canada vessel traffic services zones and private buoys and aids to navigation protection.

Under its new responsibilities for pollution prevention and response, Transport Canada will now be responsible for the response organizations and all handling facilities regulations.

As I noted earlier, responsibility for the Navigable Waters Protection Program is also a part of the transfer from DFO to Transport Canada. As such, Transport Canada is now responsible for the administration and enforcement of the Navigable Waters Protection Act. This entails issuing permits for works on navigable waters such as bridges, and for removing obstructions to navigation. It also includes acting as Receiver of Wreck, which is a function that relates to restoring property found on or under water to its rightful owner.

These changes, in brief, enable stakeholders and Canadians generally to more easily provide the government with their input on these important areas of marine law. It also permits the Canadian Coast Guard to focus exclusively on its very important service delivery role, including navigation services and search and rescue. To ensure that Transport Canada has the necessary resources to carry out these expanded responsibilities, the Governor in Council transferred certain resources of the Department of Fisheries and Oceans to the Department of Transport. The government's purpose in rationalizing marine safety responsibility is to provide a single window of service, that is to say, at Transport Canada, for policy issues related to marine safety policy. For example, it allows and greatly facilitates the bringing together of safety requirements for pleasure craft and commercial vessels. As far as practicable, it will promote the harmonization of the rules and regulations pertaining to both types of vessels that I have already mentioned is strongly supported by stakeholders.

Another example pertains to the important matter of oil pollution prevention and response. The amendments in Bill C-3 will resolve much of the complexity and responsibilities in this area. They will provide clarity, uniformity and enforcement measures against the threat of oil damage to our marine environment.

I want to make it clear here, honourable senators, that while these important functions and responsibilities have been transferred to Transport Canada, the content of those functions and responsibilities remain the same. The rules governing marine safety have not changed. Moreover, there are, therefore, no financial considerations. It is simply a rationalization exercise, albeit a very important one.

Bill C-3 is now needed to reflect in legislation the changes in responsibility decided upon by the government, and although this is a machinery of government bill in that it deals with the reorganization of powers, duties and functions, it has no effect on

the substance of the law. It is, nonetheless, important since it clarifies and improves the legislative and administrative framework for regulating marine activity in the interests of safety and the marine environment.

Transportation safety and efficiency are vital to Canadian competitiveness, and marine transportation has always been a major part of the Canadian transportation network. Improved clarity and efficiency in the legislation contribute to the transportation systems and the productivity of our industry.

Maritime commerce is national and international, and we must have an international vision in our regulation of that trade. The improvements made to the legislative framework by Bill C-3 facilitate our participation in international decision-making relating to the content of conventions and treaties for the protection of marine safety and the marine environment as well as with respect to our ability to implement international norms.

Once again, the laws that are amended by this bill are the Canada Shipping Act, the Canada Shipping Act 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

The Canada Shipping Act, CSA, is the principal legislation governing the activities of Canadian vessels in all waters and foreign vessels in Canadian waters. It provides here in Canada the legal foundation for navigation safety and protection of the marine environment on our three coasts, the inland seas of the Great Lakes and with respect to our other navigable waters.

• (1750)

The CSA confers responsibilities on the Minister of Transport and the Minister of Fisheries and Oceans to oversee marine transportation and to implement marine safety, navigation services, pollution prevention and response, and other aspects relevant to this vast and important industry.

The existing statute, dating from 1936 and originally based on the British Merchant Shipping Act of 1894, is one of Canada's oldest statutes still in force. It has been amended in piecemeal fashion over the years and is now outdated and in need of reform. Accordingly, this act is to be replaced by the Canada Shipping Act, 2001 which was the object of considerable scrutiny in this chamber and which received Royal Assent in 2001.

We knew at that time that the implementation process would be a long one and the department advises that it is expected to come into force by the end of 2006. Like its predecessor, the CSA 2001 confers functions and duties on the Minister of Fisheries and Oceans and the Minister of Transport to manage the regulation of marine transportation in the shipping industry.

Honourable senators may be wondering why CSA 2001 will not come into force until 2006. As the department told us in 2001, that it is due to the fact that regulations must first be developed in support of it. In that regard, Transport Canada has developed a project team that has been and continues to be diligently engaged in this regulatory development work.



The work itself is to be completed in two phases. The first phase will see the development of the new regulations required by the act as well as the reform of existing regulations that are consistent with it. Upon completion of this first phase, CSA 2001 comes into force. This phase is expected to conclude by late 2006. The second phase will consist of the reform of those regulations that, although in need of modernization, are neither critical to safety nor inconsistent with the new act.

In all, some 100 regulations that exist under the current Canada Shipping Act will be reduced to approximately 30 under the new one. Upon completion of this project, Canada will have a modernized maritime transportation regime that will simplify the law and will both greatly enhance navigation safety and better protect the marine environment.

That said, when CSA 2001 was originally drafted, it was done in such a way as to draw a clear distinction between the responsibilities of the Ministers of Transport and Fisheries and Oceans, as they were known at that time. Accordingly, Bill C-3 has been drafted to implement the Prime Minister's decision on December 12, 2003, in order to carry out the desired changes without adversely affecting the logic of these statutes.

I wish to advise honourable senators that I have requested confirmation from department officials that sufficient funding will be in place for the fiscal year 2006-07 and thereafter with regard to the facility located on Sable Island, Nova Scotia. This facility is important to Canada and Nova Scotia for reasons of environment, navigation, search and rescue, and sovereignty.

A legion of persons is interested in the welfare of Sable Island and the services provided thereon. I look forward to a prompt reply from those department officials, that is, before third reading.

To sum up, Bill C-3 now before us achieves the following: It establishes overall policy responsibility at Transport Canada for safety and environmental protection of the waterways; enhances the efficiency, coherence and transparency of the marine regulatory framework for all Canadians; improves service to stakeholders and other Canadians on marine matters; preserves the role of the Department of Fisheries and Oceans to carry out its operational role; and ensures that the powers, duties and functions newly conferred upon the Minister of Transport are clear in order to prevent confusion and promote certainty within the industry.

In short, honourable senators, this proposed legislation promotes the government's vision of the best transportation system for Canadians, a transportation system that is safe, efficient and environmentally friendly in order to contribute to Canada's economic growth and social development while protecting the physical environment.

Honourable senators, I ask that you support Bill C-3, to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

On motion of Senator Stratton, debate adjourned.

[ Senator Moore ]

## BUDGET IMPLEMENTATION BILL, 2004, NO. 2

### SECOND READING—ORDER STANDS

On the Order:

Second reading of Bill C-33, to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, this bill has been on the Order Paper for some days. Is there a reason we are not dealing with it? Perhaps the sponsor of the bill could answer that question.

**Hon. Joseph A. Day:** Honourable senators, it is my intention to speak to this bill on Tuesday, April 12, which will be our next sitting day.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I thought, given that today is March 23 and the budget to which this bill relates was tabled on March 23, 2004, today would have been a propitious occasion upon which to commence second reading of Bill C-33.

**Hon. Anne C. Cools:** Honourable senators, I am curious as well. For the most part, this government seems to be in a hurry to bring debate on and to conclude debate — especially to conclude it. Why is Senator Day under no pressure to speak? Why is it that whenever I try to speak I am under some sort of pressure? What is the difference? Why is the government not in a hurry on this bill yet in a hurry on every other one? Perhaps Senator Day could enlighten us. It is quite a change in pace.

**The Hon. the Speaker:** Honourable senators, we are not in debate. The question is simply whether it is the wish that the matter be stood.

If you wish to speak, Senator Cools, you can have the floor. Senator Day is not obligated to stand and answer your question. We have dealt with a few such exchanges under Government Business.

Order stands.

## HERITAGE LIGHTHOUSE PROTECTION BILL

### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator Carney, P.C., for the third reading of Bill S-14, to protect heritage lighthouses.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, had I lots of time, which I do not tonight, I would have spoken about how important lighthouses are to the culture of the sea, both on the East Coast and the West Coast. I would have spoken about how important they are to

mariners and their loved ones on the shore, about how much they inform our life and culture and about examples I have seen of them being put to good use for tourism, municipal purposes and otherwise.

However time does not permit me to talk about those things tonight, so I will not, but rather simply urge honourable senators to pass this bill and send it on to the House of Commons.

I believe that this is a good initiative. I congratulate Senator Forrester for bringing it forward and being persistent on this matter. I hope that honourable senators will support it.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

## BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators —

**The Hon. the Speaker:** It is six o'clock. I am not sure that is why Senator Rompkey is rising, but if it is —

**Hon. Marcel Prud'homme:** Honourable senators, I rise on a point of order. As it is six o'clock, I would like to ask the house leader to propose the adjournment motion. I was given an understanding that I would not need to speak today and I do not feel like speaking today either. If he does put his motion to adjourn and keep the scroll as is, I would be more than happy to cooperate with him.

• (1800)

**Senator Rompkey:** We will certainly keep the scroll as is, but I was rising to propose that we not see the clock and proceed with the Order Paper, the reason being that other senators have made commitments to speak to certain bills, plus there are budgets that have to be passed. Therefore, my proposal is that we not see the clock. Honourable Senator Prud'homme has the option of standing the item he wishes to speak to until such time as he feels comfortable addressing it.

**The Hon. the Speaker:** It is six o'clock, honourable senators, and I think we are obliged now to deal with that matter. Either I leave the chair or we unanimously agree not to see the clock.

Is it agreed, honourable senators, that we not see the clock?

**Hon. Senators:** Agreed.

## FEDERAL NOMINATIONS BILL

### SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Subject-matter referred to the Standing Senate Committee on Legal and Constitutional Affairs on February 2, 2005*)

**Hon. Marjory LeBreton:** Honourable senators, this Order Paper item is on the fifteenth day. I would like to speak to Bill S-20, but its subject matter is still before the Standing Senate Committee on Legal and Constitutional Affairs. I simply rise to request the chamber to start the clock again on this bill.

**The Hon. the Speaker:** Is it agreed, honourable senators, that we restart the clock regarding Item No. 10 under Senate Public Bills?

**Hon. Senators:** Agreed.

Order stands.

## GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

### PRIVATE BILL TO AMEND ACT OF INCORPORATION SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-25, to amend the Act of incorporation of The General Synod of the Anglican Church of Canada.—(*Honourable Senator Meighen*)

**Hon. Michael A. Meighen:** Honourable senators, I am pleased to rise, albeit briefly, to lend my support to Bill S-25 dealing with the change in investment powers in the General Synod of the Anglican Church of Canada, powers that are presently limited by very outdated legislation. The amendment being proposed is identical to the amendment in the piece of legislation that I sponsored in 1997 entitled "An Act to amend an Act to Incorporate the Bishop of the Arctic of the Church of England in Canada." I wish there were an acronym for that but there is not.

In the previous case, the Church of England, now the Anglican Church of Canada to the Inuit of the High Arctic, was limited in a similar way in its ability to invest funds. For both the Bishop of the Arctic of the Church of England in Canada and the General Synod of the Anglican Church of Canada, these limited investment options were, at the time of incorporation, rational and appropriate, but society has evolved and so has the role of the church. It is, therefore, high time for legislation to be amended so it can modernize its financial dealings.



While I am certainly supportive of this amendment to what is certainly an outdated piece of legislation, at the same time I do wish to address the process of handling amendments to legislation dealing with corporations sole. An administrative process for incorporation and amendment is surely a logical and appropriate alternative. The lengthy process of passing legislation in Parliament to deal with amendments to such acts is both burdensome and unnecessary in this day and age. Furthermore, the reasons for Parliament being involved in the current practice are no longer relevant.

At this time, the Canada Corporations Act does not allow a corporation sole to incorporate through administrative means. I would support the notion that entities such as the General Synod of the Anglican Church of Canada should enjoy a status similar to other non-profit corporations incorporated under the Canada Corporations Act. Indeed, it is this idea that Senator Atkins attempted to introduce in 2001 in his Bill S-30, An Act to amend the Canada Corporations Act (corporations sole) that died in committee. I commend Senator Atkins on his work. Clearly, this approach would be beneficial to both this chamber and to corporations sole. Perhaps the time has come for us to have another look at Senator Atkins' proposal, and I for one intend to do so, although I am given to understand there may be a private member's bill to that effect in the other place.

In any event, I support either amending the Canada Corporations Act or introducing legislation that allows corporations sole to incorporate and amend their statutes through administrative means.

[Translation]

Honourable senators, I support Bill S-25 and ask you to do the same. However, I want to stress that it is time to review the way these amendments are made.

[English]

Thank you, honourable senators, for your support for Bill S-25.

**Hon. Eymard G. Corbin:** Honourable Senator Meighen alluded to Senator Atkins' bill. Of course, before Senator Atkins' bill, there were a number of us who stood requesting what Senator Meighen has just alluded to in terms of incorporating corporations sole. Some of my colleagues past have gone into retirement to wherever souls go after they leave this place. I simply want to support the argument made by Senator Meighen and invite our colleague, Senator Atkins, to present his bill once more so we can deal with this issue once and for all.

**Senator Meighen:** I thank the honourable senator and congratulate and commend him on his institutional memory. It is very useful to all of us.

**The Hon. the Speaker:** No senators rising to speak or address the matter further, are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

[ Senator Meighen ]

## REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees) presented in the Senate on March 22, 2005.—(*Honourable Senator Furey*)

**Hon. George J. Furey** moved the adoption of the report.

Motion agreed to and report adopted.

### SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Internal Economy, Budgets and Administration (economic increase for unrepresented employees) presented in the Senate on March 22, 2005.—(*Honourable Senator Furey*)

**Hon. George J. Furey** moved the adoption of the report.

Motion agreed to and report adopted.

• (1810)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### BUDGET—REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO MANDATE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on emerging issues) presented in the Senate on March 22, 2005.—(*Honourable Senator Banks*)

**Hon. Tommy Banks** moved the adoption of the report.

Motion agreed to.

## TRANSPORT AND COMMUNICATIONS

### BUDGET—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Transport and Communications (budget—study on the Canadian news media) presented in the Senate on March 22, 2005.—(*Honourable Senator Fraser*)

**Hon. Joan Fraser** moved the adoption of this report.

Motion agreed to.

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Internal Economy, Budgets and Administration (budget of Rules, Procedures and the Rights of Parliament Committee) presented in the Senate on March 10, 2005.—(*Honourable Senator Furey*)

**Hon. George J. Furey** moved the adoption of the report.

Motion agreed to.

### THE SENATE

#### RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (*full name of the Senator*), do swear (*or solemnly affirm*) that I will be faithful and bear true allegiance to Canada.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, with respect to this matter, my understanding is that Senator Lavigne, who is the mover of this motion, seconded by Senator Robichaud, would agree to amend the motion in the first line of the proposed new rule, 135.1, by deleting the word "shall" and replacing it with the word "may." If honourable senators would unanimously agree to Senator Lavigne making that amending motion, this side certainly would be prepared to agree to the motion as amended and send the motion to the Rules Committee for further consideration.

**The Hon. the Speaker:** Our rules do provide for a mover of a motion to amend it with the unanimous consent of the Senate. Senator Lavigne, do you wish to request that unanimous consent?

**Hon. Raymond Lavigne:** Yes.

**Hon. Eymard G. Corbin:** Is it in writing and in both languages? A motion should be made in writing and in both official languages.

**The Hon. the Speaker:** Would it satisfy this chamber if I read the motion in both languages?

**Senator Corbin:** No. What is the standard procedure? I do not want to be difficult, but I simply do not know what "shall" will be in French to replace "doit."

[*Translation*]

I want to be clear. I understand English, but I want to see the amendment in French, to be comfortable. That is all I am asking.

**The Hon. the Speaker:** The French version of the motion reads as follows:

Qu'on modifie la motion numéro 58 en remplaçant à la première ligne du projet de loi, à l'article 135.1, le mot « doit » par le mot « peut ».

**Hon. Marcel Prud'homme:** Honourable senators, allow me to express a concern. This motion could produce two kinds of senators. I can already see the newspapers saying that senators "may", rather than "shall", take an oath of allegiance. If we say "may", this means it is not mandatory. I put the question to Senator Austin, who is moving the motion for Senator Lavigne: Are there not two ways to take an oath?

[*English*]

Some of those may say they have the option, but I do not. My allegiance would be given to Canada, my favourite part. I have done it before I was asked. I panicked the staff. When I was sworn in, I always added the Queen of Canada. I insisted on saying the Queen of Canada. It was not technically correct. I would like to have an answer on that.

**The Hon. the Speaker:** Just to clarify where we are on this, senators, we are really now on the time of Senator Lavigne in the sense that he is asking his colleagues for unanimous consent to vary his motion. I am in the position where I am trying to determine whether or not unanimous consent is likely to be forthcoming. I am getting the sense that Senator Corbin wishes a written copy of the motion distributed before its consideration. That has been our practice in many cases, usually, though, on a longer motion. Nonetheless, the words can be difficult. Let me ask before we go any further whether or not, if we distribute the motion, there is likely to be unanimous consent.

**Hon. Noël A. Kinsella (Leader of the Opposition):** No.

**The Hon. the Speaker:** Senator Kinsella indicates no. I should not necessarily do this, but perhaps if you asked for leave, Senator Lavigne, to propose an amendment to your own motion in the form that I have here, then it puts it on the Order Paper in the form that you want it.

**Senator Kinsella:** He has already spoken.

**The Hon. the Speaker:** He already has. Leave is not granted.



[Translation]

## ISRAELI-PALESTINIAN QUESTION

### INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Prud'homme, P.C., calling the attention of the Senate to the Israeli-Palestinian question and Canada's responsibility.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Marcel Prud'homme:** Honourable senators, I am embarrassed because Senator Rompkey told me there was no problem in deferring this inquiry. I have enough experience to know that I am losing one day for debate of this inquiry. This is what I wanted to avoid when I asked him if the adjournment would take place at six o'clock. He said yes. I now understand I believe that I will lose one day on this matter on the Orders of the Day. This is why I did not want to get to this point on the Orders of the Day.

Order stands.

## ASSASSINATION OF LORD MOYNE AND HIS CONTRIBUTIONS TO BRITISH WEST INDIES

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools, calling the attention of the Senate to:

- (a) November 6, 2004, the sixtieth anniversary of the assassination of Walter Edward Guinness, Lord Moyne, British Minister Resident in the Middle East, whose responsibilities included Palestine, and to his accomplished and outstanding life, ended at age 64 by Jewish terrorist action in Cairo, Egypt; and
- (b) to Lord Moyne's assassins Eliahu Bet-Tsouri, age 22, and Eliahu Hakim, age 17, of the Jewish extremist Stern Gang LEHI, the Lohamei Herut Israel, translated, the Fighters for the Freedom of Israel, who on November 6, 1944 shot him point blank, inflicting mortal wounds which caused his death hours later as King Farouk's personal physicians tried to save his life; and
- (c) to the 1945 trial, conviction and death sentences of Eliahu Bet-Tsouri and Eliahu Hakim, and their execution by hanging at Cairo's Bab-al-Khalk prison on March 23, 1945; and
- (d) to the 1975 exchange of prisoners between Israel and Egypt, being the exchange of 20 Egyptians for the remains of the young assassins Bet-Tsouri and Hakim, and to their state funeral with full military honours and their reburial on Jerusalem's Mount Herzl, the Israeli cemetery reserved for heroes and eminent persons, which state funeral featured Israel's Prime Minister Rabin and Knesset Member Yitzhak Shamir, who gave the eulogy; and

(e) to Yitzhak Shamir, born Yitzhak Yezernitsky in Russian Poland in 1915, and in 1935 emigrated to Palestine, later becoming Israel's Foreign Minister, 1980-1986, and Prime Minister 1983-1984 and 1986-1992, who as the operations chief for the Stern Gang LEHI, had ordered and planned Lord Moyne's assassination; and

(f) to Britain's diplomatic objections to the high recognition accorded by Israel to Lord Moyne's assassins, which objection, conveyed by British Ambassador to Israel, Sir Bernard Ledwidge, stated that Britain "very much regretted that an act of terrorism should be honoured in this way," and Israel's rejection of Britain's representations, and Israel's characterization of the terrorist assassins as "heroic freedom fighters"; and

(g) to my recollections, as a child in Barbados, of Lord Moyne's great contribution to the British West Indies, particularly as Chair of the West India Royal Commission, 1938-39, known as the Moyne Commission and its celebrated 1945 Moyne Report, which pointed the way towards universal suffrage, representative and responsible government in the British West Indies, and also to the deep esteem accorded to Lord Moyne in the British Caribbean.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Gerald J. Comeau:** Honourable senators, I look forward to hearing Senator Prud'homme's comments on this inquiry on the order. My saying a few words today will give us the opportunity to hear his comments.

On motion of Senator Comeau, debate adjourned.

• (1820)

[English]

## NATIONAL SECURITY AND DEFENCE

### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE— DEBATE ADJOURNED

**Hon. Tommy Banks,** pursuant to notice of March 22, 2005, moved:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on Tuesday, April 5 and Wednesday April 6, 2005, even though the Senate may then be adjourned for a period exceeding one week.

He said: Honourable senators, the subject matter that is being dealt with by the committee referred to in this motion is as current as today's Question Period. In fact, a question was asked about it today.

It is nothing less than the study of Canada's defence policy on which a great many questions turn. It is a study which has been undertaken by the Standing Senate Committee on National Security and Defence. I want you to understand that during its recent western trip when that committee was in Victoria or Vancouver, it was operating under the assumption that if the Senate did not sit during the week of April 4, that it would likely be regarded as a committee week.

Given that, members of the committee then present discussed whether or not it would be prudent to meet during that week in order that it did not get behind on this enormous study. The members of that committee then present determined unanimously — and members here present will correct me if I am wrong — that the committee wished to sit during that week, specifically on the dates of April 5th and 6th. Based upon that, it planned to do so and made its work plan based upon that understanding. Among the witnesses who are scheduled for that week is the Chief of the Defence Staff, who is not always that easy to see.

When the members unanimously adopted that position, they were not jumping up and down with glee at the prospect. It was not entirely without grumbling, but it was unanimous nonetheless to spend two full, solid days of working. These are senators who expressed a desire to work during that week, and it is on that basis that I have made this motion and ask your support in order that those senators can do their work during that week.

**Hon. J. Michael Forrestall:** I rise in support of the background that Senator Banks has placed before you with respect to this matter. The reality is that it is extraordinarily difficult to get the Chief of the Defence Staff for 15 or 20 minutes, let alone the hour-and-a-half to two or more hours that we would wish him to be with us.

There is a possible solution. It has now become necessary, because of other events, to cancel part of our trip to Montreal, New York and Washington, leaving us with the date of April 14, which is, again, beyond the end of that week. I think it would meet with the leader's view, and certainly I think it would be within the scope of my leadership group's view, that it should be a week of rest for the staff and for Senator Kenny, the chair, and some of the other members of that committee.

There is no way really to amend Senator Bank's motion. We want the authority to sit. The chamber will sit on the 14th; we will have the authority because we already have it to travel to hear witnesses. I ask for somebody to help me out on how to handle this; how to move it from where we are now to what is a real possibility.

It is frustrated by the fact that we have an opening. We have no knowledge whether or not the Chief of the Defence Staff is in the same position. He may be otherwise fully committed.

I speak as the vice-chairman of this very distinguished group. It is my position that it is worth taking that step. I am not asking the mover of the motion to withdraw, because I would intend to support it unhesitatingly. What he suggested to you is the way

things happened. You have work to do and you can get important witnesses — an important witness before we go down to the United States — which is a critical trip for this committee, and what it will report to the government of our country and through the Senate.

I am offering that as a suggestion. I am suggesting, without saying so, that perhaps the senator might consider withdrawing his motion. We could defeat it. That would handle it. I would leave it up to others who might want to contribute to the debate, and to this particular point, to intervene and perhaps offer some suggestion.

I can say to you, honourable senators, that I have been instructed so I will do my proper thing.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** To simplify the matter, before we go back and forth again and again, I would adjourn the debate on this item. When we go to the next item, I think that is the appropriate place to discuss the 14th of April.

**The Hon. the Speaker:** I suppose this could also be adjourned if you wish, Senator Banks.

On motion of Senator Stratton, debate adjourned.

#### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Tommy Banks,** pursuant to notice of March 22, 2005, moved:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on April 11, 2005, even though the Senate may then be adjourned for a period exceeding one week.

He said: Honourable senators, as Senator Stratton has suggested, this is a much simpler thing to deal with. I suggest to honourable senators that this is simple housekeeping.

• (1830)

The week that includes April 11 is a sitting week, if I understand correctly. This committee has, since its inception, met on Mondays. Although this Monday falls before the resumption of the Senate, because the date to which we will adjourn will be April 12, I urge honourable senators to accept the principle of the motion, which would permit the committee to sit on its normal sitting day.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.



**HUMAN RIGHTS****COMMITTEE AUTHORIZED TO MEET DURING  
ADJOURNMENT OF THE SENATE**

**Hon. A. Raynell Andreychuk**, pursuant to notice of March 22, 2005, moved:

That, pursuant to rule 95(3), the Standing Senate Committee on Human Rights be authorized to meet on Monday, April 11, 2005, even though the Senate may then be adjourned for a period exceeding a week.

She said: Honourable senators, I want to put on the record that when these two committees were formed, we were told that our regular and normal sitting hours would be on Monday and that the rules would be amended so that we would not have to move motions such as this. I contend that both the Defence Committee and the Human Rights Committee should be afforded the right to sit within their own time slots on Mondays without having to come here to ask for consent.

**Hon. J. Michael Forrestall**: Honourable senators, that is a very sensible suggestion and I accept it. However, I do not accept that the committees should continue to sit on Mondays. That requires members of committees that sit on Mondays to leave their homes on Sunday to travel to Ottawa, to spend Sunday night here, to attend committee meetings on Monday, and then to attend to Senate business through to the end of the week. It involves an extra day. Some of us have spent 40 or 50 extra days attending meetings in this manner.

However, to streamline matters for the time being and with the clear understanding that it will not be a permanent situation, I would agree to this particular request.

**The Hon. the Speaker**: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

**ADJOURNMENT**

Leave having been given to revert to Government Notices of Motions:

**Hon. Bill Rompkey (Deputy Leader of the Government)**: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 12, 2005, at 2 p.m.

**The Hon. the Speaker**: Is leave granted, honourable senators?

**Hon. Senators**: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 12, 2005, at 2 p.m.

# THE SENATE OF CANADA PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Wednesday, March 23, 2005

(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

## GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0			

## GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-3	Bill, C-3, An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21							
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance					
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology					
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce					
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07							
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No.2, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No.3, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07		Legal and Constitutional Affairs					



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23							

PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10	05/03/23	Banking, Trade and Commerce					
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17							



# CONTENTS

Wednesday, March 23, 2005

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>National Defence</b>	
<b>Tributes</b>		Search and Rescue—	
The Late Honourable A. Irvine Barrow.		Replacement Program for Fixed Wing Aircraft.	
Hon. Wilfred P. Moore.	968	Hon. J. Michael Forrestall	973
Hon. Noël A. Kinsella	968	Hon. Jack Austin	973
Hon. Terry M. Mercer	969	<b>Transport</b>	
<b>The Honourable Daniel Hays</b>		Welland Canal—Reduction in Tolls.	
Congratulations on Becoming Grand Officer		Hon. David Tkachuk	974
of the Order of la Pléiade.		Hon. Jack Austin	974
Hon. Rose-Marie Losier-Cool	969	Airport Authorities—Rental Fees.	
<b>Budget 2005</b>		Hon. David Tkachuk	974
Inquiry—Comment in Speech by Senator Tkachuk.		Hon. Jack Austin	974
Hon. Jack Austin	969	<b>Justice</b>	
<b>World Water Day</b>		Criminal Activity in Mortgage Fraud and Identity Theft.	
Hon. Madeleine Plamondon	969	Hon. Norman K. Atkins	974
<b>Winter Special Olympics 2005</b>		Hon. Jack Austin	974
Hon. Jim Munson	970	<b>Finance</b>	
<b>Employment Equity for Visible Minorities</b>		Efficacy of Canada Education Savings Grant Program.	
Hon. Donald H. Oliver	970	Hon. Marjory LeBreton	975
Hon. Consiglio Di Nino	971	Hon. Jack Austin	975
<b>ROUTINE PROCEEDINGS</b>		<b>Industry</b>	
<b>Bankruptcy and Insolvency Act (Bill S-28)</b>		Technology Partnerships Program—Criteria for Receiving Grants—	
Bill to Amend—First Reading.		Participation by Western Canadian Companies.	
Hon. Wilfred P. Moore	971	Hon. Mira Spivak	975
<b>QUESTION PERIOD</b>		Hon. Jack Austin	975
<b>Canada-United States Relations</b>		<b>Delayed Answer to Oral Question</b>	
Visit by Prime Minister—Softwood Lumber and		Hon. Bill Rompkey	
NAFTA as Agenda Items.		976	
Hon. Noël A. Kinsella	971	<b>Agriculture and Agri-Food</b>	
Hon. Jack Austin	971	Bovine Spongiform Encephalopathy—Effect on Cattle Farmers.	
<b>Fisheries and Oceans</b>		Question by Senator St. Germain.	
Protection of Inland Fisheries.		Hon. Bill Rompkey (Delayed Answer)	
Hon. Gerald J. Comeau	972	976	
Hon. Jack Austin	972	<b>Pages Exchange Program with House of Commons</b>	
<b>Natural Resources</b>		The Hon. the Speaker	
Newfoundland and Labrador—Enabling Legislation		976	
for Offshore Oil and Gas Agreement.		<b>ORDERS OF THE DAY</b>	
Hon. Gerald J. Comeau	972	Hon. Bill Rompkey	
Hon. Jack Austin	972	976	
<b>Health</b>		<b>Appropriation Bill No. 4, 2004-05 (Bill C-41)</b>	
Funding for Aboriginal Health Care.		Second Reading.	
Hon. Wilbert J. Keon	972	Hon. Joseph A. Day	
Hon. Jack Austin	973	Hon. Noël A. Kinsella	
<b>Visitors in the Gallery</b>		Hon. Donald H. Oliver	
The Hon. the Speaker		Third Reading.	
973		Hon. Joseph A. Day	
		979	
		<b>Appropriation Bill No. 1, 2005-06 (Bill C-42)</b>	
		Second Reading.	
		Hon. Joseph A. Day	
		Hon. Noël A. Kinsella	
		Hon. Bill Rompkey	
		Hon. Jack Austin	
		Hon. Gerald J. Comeau	
		Hon. Donald H. Oliver	
		Third Reading.	
		Hon. Joseph A. Day	
		982	
		<b>Telefilm Canada Act (Bill C-18)</b>	
		Bill to Amend—Third Reading.	
		Hon. Maria Chaput	
		Hon. David Tkachuk	
		982	

	PAGE
<b>Statistics Act (Bill S-18)</b>	
Bill to Amend—Third Reading—Motion in Amendment—	
Debate Adjourned.	
Hon. Madeleine Plamondon . . . . .	983
Hon. Gerald J. Comeau . . . . .	985
Hon. Wilfred P. Moore . . . . .	985
Hon. Jack Austin . . . . .	985
Hon. Terry Stratton . . . . .	986
Hon. John Lynch-Staunton . . . . .	986
Hon. Eymard G. Corbin . . . . .	987
Hon. Noël A. Kinsella . . . . .	987
Hon. Joan Fraser . . . . .	988
Hon. Anne C. Cools . . . . .	988
Hon. Marcel Prud'homme . . . . .	989
<b>Royal Assent</b> . . . . .	989
<b>Canada Shipping Act</b>	
<b>Canada Shipping Act, 2001</b>	
<b>Canada National Marine Conservation Areas Act</b>	
<b>Seas Act (Bill C-3)</b>	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Wilfred P. Moore . . . . .	990
<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
Second Reading—Order Stands.	
Hon. Terry Stratton . . . . .	992
Hon. Joseph A. Day . . . . .	992
Hon. Noël A. Kinsella . . . . .	992
Hon. Anne C. Cools . . . . .	992
<b>Heritage Lighthouse Protection Bill (Bill S-14)</b>	
Second Reading.	
Hon. Bill Rompkey . . . . .	992
<b>Business of the Senate</b>	
Hon. Bill Rompkey . . . . .	993
Hon. Marcel Prud'homme . . . . .	993
<b>General Nominations Bill (Bill S-20)</b>	
Second Reading—Order Stands.	
Hon. Marjory LeBreton . . . . .	993
<b>General Synod of the Anglican Church of Canada (Bill S-25)</b>	
Private Bill to Amend Act of Incorporation—Second Reading.	
Hon. Michael A. Meighen . . . . .	993
Hon. Eymard G. Corbin . . . . .	994
Referred to Committee . . . . .	994
<b>Internal Economy, Budgets and Administration</b>	
Fifth Report of Committee Adopted.	
Hon. George J. Furey . . . . .	994

	PAGE
<b>Seventh Report of Committee Adopted.</b>	
Hon. George J. Furey . . . . .	994
<b>Energy, the Environment and Natural Resources</b>	
Budget—Report of Committee on Study of Issues Related	
to Mandate Adopted.	
Hon. Tommy Banks . . . . .	994
<b>Transport and Communications</b>	
Budget—Report of Committee on Study	
of Media Industries Adopted.	
Hon. Joan Fraser . . . . .	995
<b>Internal Economy, Budgets and Administration</b>	
Fifth Report of Committee Adopted.	
Hon. George J. Furey . . . . .	995
<b>The Senate</b>	
Rules of the Senate—Motion to Change Rule 135—	
Oath of Allegiance—Debate Continued.	
Hon. Jack Austin . . . . .	995
Hon. Raymond Lavigne . . . . .	995
Hon. Eymard G. Corbin . . . . .	995
Hon. Marcel Prud'homme . . . . .	995
Hon. Noël A. Kinsella . . . . .	995
<b>Israeli-Palestinian Question</b>	
Inquiry—Order Stands.	
Hon. Marcel Prud'homme . . . . .	996
<b>Assassination of Lord Moyne and His Contributions</b>	
to British West Indies	
Inquiry—Debate Continued.	
Hon. Gerald J. Comeau . . . . .	996
<b>National Security and Defence</b>	
Motion to Authorize Committee to Meet During Adjournment	
of the Senate—Debate Adjourned.	
Hon. Tommy Banks . . . . .	996
Hon. J. Michael Forrestall . . . . .	997
Hon. Terry Stratton . . . . .	997
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. Tommy Banks . . . . .	997
<b>Human Rights</b>	
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. A. Raynell Andreychuk . . . . .	998
Hon. J. Michael Forrestall . . . . .	998
<b>Adjournment</b>	
Hon. Bill Rompkey . . . . .	998
<b>Progress of Legislation</b> . . . . .	1











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CANADA

# Debates of the Senate

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1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 48

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, April 12, 2005**

—  
**THE HONOURABLE DANIEL HAYS  
SPEAKER**

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, April 12, 2005

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### BUSINESS OF THE SENATE

#### FOREIGN AFFAIRS COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I believe there would be agreement to allow the Standing Senate Committee on Foreign Affairs to sit at 3:30 p.m. today, even though the Senate may then be sitting, for the purpose of hearing Finance Minister Goodale. I would ask that we grant the committee permission to sit.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

### NEW SENATORS

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Art Eggleton  
Elaine McCoy  
Grant Mitchell  
Robert W. Peterson  
Nancy Ruth  
James S. Cowan  
Lillian Eva Dyck  
Roméo A. Dallaire  
Claudette Tardif

### INTRODUCTION

**The Hon. the Speaker** having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

**Hon. Art Eggleton, P.C.,** of Toronto, Ontario, introduced between Hon. Jack Austin, P.C., and Hon. David Smith, P.C.;

**Hon. Elaine McCoy, Q.C.,** of Calgary, Alberta, introduced between Hon. Jack Austin, P.C., and Hon. Lowell Murray, P.C.;

**Hon. Grant Mitchell,** of Edmonton, Alberta, introduced between Hon. Jack Austin, P.C., and Hon. Joyce Fairbairn, P.C.;

**Hon. Robert W. Peterson,** of Regina, Saskatchewan, introduced between Hon. Jack Austin, P.C., and Hon. Pana Merchant;

**Hon. Nancy Ruth,** of Toronto, Ontario, introduced between Hon. Jack Austin, P.C., and Hon. Norman K. Atkins;

**Hon. James S. Cowan, Q.C.,** of Halifax, Nova Scotia, introduced between Hon. Jack Austin, P.C., and Hon. David P. Smith, P.C.;

**Hon. Lillian Eva Dyck,** of North Battleford, Saskatchewan, introduced between Hon. Jack Austin, P.C., and Hon. A. Raynell Andreychuk;

**Hon. Roméo Antonius Dallaire,** of Sainte-Foy, Quebec, introduced between Hon. Jack Austin, P.C., and Hon. Céline Hervieux-Payette, P.C.;

**Hon. Claudette Tardif,** of Edmonton, Alberta, introduced between Hon. Jack Austin, P.C., and Hon. Joyce Fairbairn, P.C.

**The Hon. the Speaker** informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

• (1500)

## SENATORS' STATEMENTS

### TRIBUTES

#### THE LATE POPE JOHN PAUL II

**Hon. Jack Austin (Leader of the Government):** Honourable senators, we begin a tribute to the death of His Holiness Pope John Paul II. From time to time human society produces a person who is acknowledged by all to stand pre-eminent among us. Such a person was Karol Wojtyła, whose fame and celebrity was earned as His Holiness John Paul II, undoubted leader of the Roman Catholic Church and an inspiration to millions of people, both of his faith and of other faiths.

From our perspective today, it is not easy to judge the whole worth of this holy man. What is certain is that he was revered in his time for his dedication to the ideals of tolerance, truth and faith. He epitomized the good instincts of humanity and reached around the world in his desire to connect with the global society.

The communities of other faiths, Jewish, Muslim, Hindu and many parts of the Christian faith, came to Rome for the funeral of Pope John Paul II. His hand reached out to them all with a sincere desire to correct the wrongs of history and to put relations in the 21st century on the path of respect and compassion. The Jewish community will not forget that he was the first Pope to enter a synagogue, to visit Jerusalem and stand and pray at the Wailing Wall and to describe those of Jewish faith as the elder brothers of Christianity.



The impact of the papacy of John Paul II will continue to reverberate beyond the confines of his lifetime. He demonstrated how we can recreate the world in a more tolerant and peaceful image. His personal example affirming the inherent dignity of all mankind will remain one of modern history's greatest legacies.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, on Friday last in Vatican City the world bade farewell to Pope John Paul II. The presence of the Prime Minister and the Leader of the Opposition, who joined with millions gathered in Rome, spoke eloquently to the unique regard with which Canadians and Parliament held the late pontiff. The faith of Karol Wojtyła touched the hearts of millions and inspired peace in the minds of all people of goodwill throughout the world community.

A pilgrim of peace, he had neither weapons nor armies, yet this priest from Poland became during his pontificate the presence of a most powerful force for good on earth. His voice was a tireless moral call in a secular age.

Honourable senators, it was a privilege for many members of this house to have had the opportunity to meet this man of peace over the years. On one occasion, during a meeting in the Papal Apartments, together with Speaker Hays, senators will recall our delight in his interest in Canada and all of our people. Although a man of God, Pope John Paul was also a man of the people. He was a source of hope to so many and he honoured that devotion by travelling the world to reach out to people of all communities. He celebrated the great Canadian diversity in his visits to Canada.

The Holy Father reminded human kind of the dignity and worth of every human person, and he always stood for social justice and on the side of the oppressed. He would pray with St. Francis of Assisi that "where there is hatred let me sow love, where there is injury — pardon." To paraphrase the words of the Beatitudes, as a peacemaker, he has now inherited the Kingdom of Heaven.

**The Hon. the Speaker:** Honourable senators, before we proceed further, I wish to advise that pursuant to rule 22(7), the government whip has requested that Senators' Statements be extended for an additional 15 minutes so that the total time for Senator's Statements today will be 30 minutes.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

[Translation]

**Hon. Marie-P. Poulin:** Honourable senators, I rise with humility today to pay tribute to a man who touched so many lives, a man of humanity and sanctity, whose unshakable faith in the dignity of every individual will influence generations.

History will remember both his life and his death. Never has the passing of a spiritual leader released such a flood of emotion. Pope John Paul II was a father figure to the entire world, the voice of conscience that earned the respect of world leaders, the bridge between friends and enemies, young and old, rich and poor.

[ Senator Austin ]

What greater example could there be of the respect and admiration in which he was held than the presence in Rome last Friday of millions of people from all over the world, from all backgrounds, including leaders of countries, heads of religious groups, and political rivals.

• (1510)

[English]

Honourable senators, even in death, Pope John Paul II united people of all faiths and cultures.

It was my honour and privilege to be there. The experience was an unforgettable one, and I shall treasure it all the days of my life. To see and hear, on the eve of the funeral, the throngs of backpack-toting young people in the streets of Rome from around the world — the young people for whom Pope John Paul II had a special affinity, as he demonstrated on his more than 100 pilgrimages abroad — slowly walking toward St. Peter's Square during the night to say thank you the next morning. I have no doubt that the participation of these people would have pleased him.

Again and again, I heard people say the following: "Pope John Paul II was a man who changed history. His message of unity and forgiveness reached out with a plea for harmony among all peoples. He was a prince of peace. He worked unceasingly for a rapprochement between all religions."

Today, I am reminded of a young man I encountered in St. Peter's Square. He recounted that Pope John Paul II had taught him two lessons, how to live and how to die — how to live by forgiving and how to die while working.

Yes, we will remember this giant of a man, a man of God, and how he brought his message to Canada and left an indelible imprint on the minds of so many Canadians through his innate piety, holiness and his charisma. Who can forget his heartwarming exhortation, "John Paul II loves you," and he meant it.

[Translation]

Honourable senators, this exceptional event at the Vatican was an historic moment that brought together people from five continents, 200 delegations and millions of pilgrims, and received massive radio and television coverage. I can still see the simple wooden coffin containing the remains of the great and holy man who will be remembered as a beacon for humanity.

[English]

**Hon. Consiglio Di Nino:** Honourable senators, the impact Pope John Paul II has had on the world is immense.

As we reflect on his life, we hear of his pivotal role in the fall of Communism. He is being widely applauded for his wisdom and sensibility in reaching out to the Jewish community and for his dialogue with other world religious leaders.

We hear about his humility, his courage, his stamina and his exemplary leadership on issues of values and about his commitment to the sanctity of life. Even many of those who have not always agreed with His Holiness now express respect and admiration for him.

During his last days on earth, together with an outpouring of grief and praise, much has been said and written about Pope John Paul's legacy. For me, his inspiration has been his steadfast, unwavering message of values, peace, justice and human rights, particularly the rights of those least able to look after themselves. The protection of the weak, the frail, the underprivileged was a constant in his messages.

The amazing journey of Karol Wojtyla from humble beginnings to the Vicar of Christ is the stuff of legends. The man was the product of one of the most turbulent times in human history, particularly in his beloved Poland. These times shaped the man who would help change the course of history. It is said that adversity creates giants among men. This was certainly the case with Karol Wojtyla.

Rex Murphy, in last Saturday's *Globe and Mail*, referred to the Pope as a man who

...exercised a sublime ability to move and enter into the spirit of millions and millions of people.

I believe Karol Wojtyla's greatest legacy will be his inspiration to countless people all over the world by his exemplary life of integrity, love, compassion and his message of peace, forgiveness, justice and caring. At the beginning, he must have felt like a lonely messenger; but as time passed, we witnessed thousands, hundreds of thousands, and indeed, recently, millions of men and women who have venerated and exalted Pope John Paul II in a manner seldom seen. To the youth of the world, he was a piper with a message of hope. Millions of them have become the bearers of his messages.

Colleagues, those of us who held his hand, looked into his eyes and felt his spirituality were enormously privileged. I join the throng of millions in saying thank you, Holy Father, and we will not be afraid.

[Translation]

**Hon. Lise Bacon:** Honourable senators, with the passing of Pope John Paul II, we have lost a giant of the 20th century, a great man of faith and action. In spite of the controversy that he could sometimes arouse, Pope Jean Paul II exercised a real magnetism over the people he met. His penetrating gaze made quite an impression on people and, above all, everyone was drawn by his openness, his sense of devotion and his deep and sincere love of people. He was interested in and spoke to each person. His ideas and the prestige of his office were secondary to the magnetic personality of John Paul II, who established a close relationship with the multitudes and the population of the many countries he visited.

He was profoundly marked by his experience of two kinds of totalitarianism, Nazism and Communism. As a result, the human

person became sacred to him, from conception to the end of life. He defended the dignity and fundamental rights of all human beings. Indeed, the right to life was a kind of obsession for him.

Family was one of his fundamental values and he defended it with great energy all his life. He had the courage to attack some of the prevailing attitudes in the Western world, such as materialism and consumerism, which destroy the solidarity of family ties and reduce persons to the status of goods. His views on these matters went against the current and the media spoke little of them.

He was close to the sick, the poor and young people in particular. In Toronto, in 2002, he told them again: You are the future of the world. He had confidence that young people would create a new world that would bring about change. He enjoyed large gatherings, perhaps because of his Polish roots, especially those where young people could come to know one another, as they did during World Youth Day. His pontificate was marked by proximity to the people and he travelled endlessly, to the point of exhaustion.

He worked for ecumenism and inter-religious dialogue. In his encyclical letter, *That they may be One*, he was ready to debate reform of the papacy with Protestants. He preached reconciliation, and he asked forgiveness for the historic sins of the Church, especially towards the Jewish people, but also towards Africans and Aboriginal peoples.

He wielded political influence throughout his pontificate. We remember his determining role in the fall of Communism, his pronouncements against the death penalty in the United States and his condemnation of the two Gulf wars. He was also very perceptive. In his remarks at Riga, he criticized the excesses of capitalism. He referred to the good things achieved under Communism, the struggle against unemployment and concern for the poor, and he dared to express serious doubts about the validity of capitalism.

We will remember forever the words he spoke from the balcony of Saint Peter's basilica, shortly after being chosen as Pope: Be not afraid. Those words should continue to inspire us when we are swept up in a storm and have to face the perils of our existence. His words should echo within us to comfort us and to remind us of a great Pope — Karol Wojtyla.

[English]

**Hon. Gerry St. Germain:** Honourable senators, the world is still in mourning over the loss of a giant of a human being. Much has been said in tribute to His Holiness, the late Pope John Paul II, for he left behind a huge legacy of caring and a profound love of humanity. His legacy will live on in eternity, enriching our lives and the lives of generations to follow.

Pope John Paul II was a leader like no other. His leadership was not of nations or armies; he was a leader of human beings, leading all of us by example. The example many recognized, and some sadly on his passing ridiculed, was his steadfast adherence to the principles he lived and preached his entire life.



• (1520)

It was this unwavering commitment that made this man a champion of humanity and a giant of a human being. Pope John Paul II understood that the word of God and the traditions at the very root of humanity are unalterable. These were the beliefs that guided him in his works of goodness. His demonstration of a firm commitment to these beliefs is the reason so many the world over came to admire this very humble man. Pope John Paul II reverently and passionately respected the traditions of Christianity, traditions founded in the same basic truths shared by all humanity. This is why so many came to admire, respect and love him.

To the doubters, many of them in the media today, who are quick to point to this acceptance of simple truths as a failing, I say this: Imagine a world where you had your way. Imagine a world where all traditions were dispensable and where there was no refuge from the tyranny of change and the ruthlessness of everyday life. Who would want to live in such a world? Where would such a world be headed in terms of humanity's future? We call this progress. This viewpoint simply perpetuates a modern-day fallacy, one that is popular with liberal-minded people who shun responsibility. Those people would have us accept that there is no baseline for humanity; they would have us believe that the whims and desires of mere mortals as they pass through life today should dictate our conduct.

Honourable senators, I have stood in this place on previous occasions and clearly stated that I believe in the teachings of the Roman Catholic Church and the teachings that were espoused by Pope John Paul II during his tenure as pope. I thank God for the time He gave us with Pope John Paul II, who now rests with Him. May God have mercy on all mankind.

[Translation]

**Hon. Marcel Prud'homme:** A man has died. Of course, before the actual hour of death, he was simply going to die, as all men must some day. This man moved people's spirit and imagination throughout the 26 years of his reign. Today, I wish to pay tribute to him.

In great modesty, his spiritual testament, which the Vatican made public on Thursday, April 7, began lucidly:

Watch therefore, for you do not know on what day your Lord is coming. (Matthew 24:42)

John Paul II wrote:

These words remind me of the last call, which will happen at the moment the Lord wishes. I desire to follow Him, and I desire that everything making up part of my earthly life should prepare me for this moment.

An exceptional pope has died. I want to pay tribute to him today, once more. Not for the polemic he generated, not for the angry debate he caused, not for the criticism that many have levelled and continue to level against him. I want to pay him tribute for what he reminds us. The role of the Pope is not to

satisfy us; it is to elevate us. We may disagree with his thinking, but that matters little. John Paul II reminds us that we have a duty to one another.

I will never forget that he brought together one million young people in Paris and as many in Toronto. Often, young people feel lost, lacking in focus and are searching for direction and ideals; they sometimes feel overwhelmed by the state of our world. They seek hope. The Holy Father himself gave them such hope and showed them the high road all too often obscured by the mists of modern life.

Even in death, John Paul II managed one last time in Rome, on Friday, April 8, to call millions of visitors to his side: Americans in shorts, Africans in boubous, Filipinos in flowered shirts, Calabrians all in black and monks in sandals and cowls, cell phone in hand. His funeral was among the greatest in history. Was it a Roman-style miracle or representative of this man's exceptional power to bring people together? Did Karol Wojtyla suspect, when he died at the age of 84, that the Holy See would again become the centre of the world for a few days? Did he know that he himself represented hope? This was his task, his mission and his accomplishment. That is why I want us to remember him today.

The gospel selected for his funeral in Rome was John 21:15-19. Three times, Jesus asks Peter:

Peter, do you love me more than these?

Each time, his apostle answers in the affirmative:

Yes, Lord, you know that I love you.

And Jesus tells his apostle his mission and asks him to "tend my sheep," in other words to watch over his people like a shepherd does his flock. Jesus concludes his gospel with a reminder of Peter's youth, "when you were young, you girded yourself and walked where you would." But he warns him of the fate that befalls all men: suffering, old age and death.

When you are old, you will stretch out your hands, and another will gird you and carry you where you do not wish to go.

This summarizes the entire life and work of John Paul II: the faith of the Church, which he ardently defended, the conduct of his people rooted in God's love, the course of suffering, old age and death, and, finally, the certainty of transfiguration; all these themes were evoked by Cardinal Ratzinger in his homily.

We hope that the strong message of compassion delivered by John Paul II will be heard and that his successor will continue this work. His accomplishments were, in my opinion, the best way to bring the Church — and a good part of humanity — into the third millennium.

[English]

**Hon. Wilbert J. Keon:** Honourable senators, I rise to honour a great man, one who led his flock with immense reverence and grace, and at great personal sacrifice, Pope John Paul II. I am grateful to have been honoured twice by John Paul II, first, in 1987, as a member of the Order of Saint Gregory the Great and,

second, in 1997, as a Knight Commander with Star of the Order of Saint Gregory the Great — the highest honour the Pope bestows on a lay person. I had the honour of being one of a handful of Canadians so privileged.

Pope John Paul II was a man of the people, particularly the youth, to whom he reached out with an open heart and infinite love and understanding. For that purpose, John Paul II founded World Youth Day, which he attended in person. Youth identified with him and considered him not only their spiritual leader but also a father and grandfather figure.

During the last several years, Pope John Paul II was able to see beyond his physical ailments to accomplish his mission, and did so to the end. His great dedication as a man of prayer and forgiveness and as a passionate advocate for peace crossed all geographic and religious boundaries. His vigorous love for life, his endurance for cruelty, his self-discipline and concern for all humankind, regardless of social status, colour, race or creed, were examples to all of us. He taught us how to live and how to die. His spirit will live with us forever.

**Hon. Jeremiah S. Grafstein:** Honourable senators, it is with profound humility I hesitate to rise to pay my meagre respects to Pope John Paul II; born Karol Wojtyla in Wadowice in 1920 — the same year that the Battle of Warsaw was fought and the Bolsheviks were defeated.

His father and mine, also born in southern Poland less than 100 kilometres away, served in the Pilsudski brigades in that momentous battle for Polish independence. This slender but splendid thread was noted again over a year ago during my last audience in Rome with this charismatic personality. More than common Polish roots, the Pope's transformation of the Church, its teachings and practices towards Jews and Judaism and its policy towards Israel shattered the Church's previous history and drew me and those of my faith to him.

Honourable senators, all progress is by a winding staircase. The Pope spoke out repeatedly and forcefully against the rising scourge of anti-Semitism. He was the first pope to visit a synagogue in Rome, to visit Auschwitz, to visit Jerusalem, to pray at the Wailing Wall, to pay his respects at Yad Vashem and to recognize the State of Israel.

In his 1994 book entitled *Crossing the Threshold of Hope*, given to me by my great friend and mentor, the late Emmett Cardinal Carter, which I cherish, John Paul II wrote these words in his own hand. Listen to his own words:

Through the plurality of religion...we come to that religion closest to our own...that of the people of God of the Old Testament ...

...The declaration *Nostra Aetate* represents a turning point...since the spiritual patronage (of Jews) is so great, the...Council reminds and promotes a mutual understanding and respect...

Remembering in his hometown where his school backed upon a synagogue, the Pope wrote these words:

... both religious groups were united...by the awareness that they prayed to the same God.

The Pope continued:

...a personal experience. Auschwitz...the Holocaust of the Jewish people shows to what length a system constructed on...racial hatred and greed for power can go...

• (1530)

He wrote:

To this day, Auschwitz does not cease to admonish ... reminding us that anti-Semitism is a great sin against humanity...

Allow me to repeat the Pope's words, "anti-Semitism is a great sin against humanity."

The Pope went on to write:

...a truly exceptional experience was my visit to the Synagogue in Rome ... the history of the Jews of Rome...is linked...to the Acts of the Apostles.

...As recognition of the State of Israel...it is important to affirm that I myself never had any doubts...

Honourable senators, how best to pay homage to this late and great Pope? By heeding his words, "Be not afraid."

Meanwhile, it grieves me to say that the OSCE resolution against anti-Semitism, vigorously supported by the Vatican, which I introduced in the Senate on November 21, 2002 languishes in the Senate Standing Senate Committee on Human Rights, still awaiting the committee's consideration and recommendations.

As for the Pope, permit me to return to his words in Latin taken from his Last Will and Testament. "Nunc Dimittis." Lord, let this servant pass in peace. The Pope's closing thoughts in his Last Will in Latin were these: "...in manus tuas, Domine, commendo spiritum meum." In your hands Lord I commend my spirit.

As the Cardinals gather in Conclave in Rome, "To Find The Key," I ask: What was the key to Pope John Paul II? I say, as he said, "Shalom... Pax Vobiscum." Peace be unto you and all of us, now and through the ages. Let us say, "Amen."

[Translation]

**Hon. Marisa Ferretti Barth:** Honourable senators, it is with great sadness that I rise in this chamber to pay a last homage to the Holy Father. As you know, I am of Italian descent. For Italians, the Pope is above all an Italian.

The reign of Pope John Paul I lasted only 33 days. His death changed the course of history. On October 16, 1978, the council of cardinals chose a new non-Italian Pope, the first in four-and-a-half centuries. It truly was a revolution. Without doubt, the reign of Pope John Paul II will go down in history. His death is a great loss for humanity.



During his pontificate, he travelled widely and went to meet all people, and especially young people. He was able to mobilize, bring together and energize young people in all their splendour. Millions of young people, believers and non-believers, all over the world paid sincere homage to this great spiritual leader who left his mark on the 20th century. It was a great privilege for me to meet the Holy Father at the Vatican in 1998 and in 2001. He was a man of great courage and conviction, who often reminded us of the benefits of spiritual values in a world obsessed with material desires.

Pope John Paul II was also a great defender of older people. In his mind, reaching a ripe age was the sign of a blessing from the Most High. In that sense, longevity was to be seen as a special divine gift.

As he said in his last Easter message:

The life of a person is a precious gift that is to be loved and defended in all of its stages.

I would like to offer my most sincere sympathy to all those who loved and appreciated this great man.

[English]

**Hon. Jane Cordy:** Honourable senators, like so many have done since Pope John Paul II's death, I wish to pay homage to him today. As a Catholic, I thought of him as being the head of my church. Honourable senators, he has proven to be so much more. His influence extended far beyond the Catholic Church and into all corners of the world. He is truly someone who has made a difference, someone who has changed the world and made it a better place. His hands reached out to those in need, to those less fortunate, to those less free. His support for the Solidarity movement in his homeland of Poland, no doubt helped to bring down communist rule in some parts of Europe.

Interestingly enough, I was told of the Pope's death at a NATO meeting. The head of the Polish delegation told us he had sad news and in a very emotional voice told us of the death of Pope John Paul II. He spoke of what a great man and writer he was. I happened to be sitting next to the head of the United Kingdom delegation who commented on the effect the Pope had and how times had changed, because the Polish speaker, who was so moved and who spoke so highly of his fellow countryman, had been an influential member of the Communist Party in Poland.

Honourable senators, Pope John Paul II had such energy, warmth and spirit. This was evidenced by the worldwide reaction to his death. He travelled the world visiting about 130 countries, including Canada three times while Pope and once as a Cardinal. Upon his death, the world travelled to him, not just Catholics, but those of many faiths. He showed dignity and courage throughout his life, but particularly in the face of illness when he showed that dying is as much a part of life as is birth.

Honourable senators, Pope John Paul II touched the lives of many and changed the lives of many. May he rest in peace.

## NEW SENATORS

### WORDS OF WELCOME

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is a great pleasure to put on the record of the *Debates of the Senate* words of welcome to our nine new senators. They bear distinguished credentials, all of them. It is clear, from the work they have done in their communities and in their careers, that they will be of considerable value to the work of this chamber.

Honourable senators, Senator Kinsella and I had the opportunity to meet these senators to discuss the nature of our institution and the way it works. Obviously, it was a discussion that was completely focused on institutional behaviour and not that other kind of behaviour that sometimes arises in the debates of this chamber.

I find in each new senator a great interest in this chamber, a commitment to public service, and a desire to express his or her particular interests in public service through participation in the work of this chamber.

Honourable senators, I very much appreciate the welcome that all of you gave these senators when they were introduced today.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I, too, wish to welcome to our ranks nine new colleagues, adding a full 10 per cent to our numbers.

As honourable senators know, the selection process continues to be a subject of debate in Canada. Those who argue that the democratic deficit in Canada could be reduced by changing the selection process perhaps make a good case.

However, those who would argue for the abolition of the Senate seriously fail to understand the nature of Parliament. There have been some rather spurious suggestions in the media and elsewhere that the Senate could be abolished by attrition, through a simple failure of the Prime Minister to appoint replacements for those who leave by mandatory retirement, resignation or by an irresistible summons from a higher authority. Such a simplistic mechanism for the elimination of the Senate overlooks section 17 of the Constitution Act, which reads as follows:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

While some use the terms "Parliament" and "House of Commons" interchangeably, they are clearly wrong. As matters currently stand, if the upper house ceases to exist, so does Parliament. That may not have occurred to those who found it encouraging that the Prime Minister had delayed filling so many vacancies until now. I would add that this gap in time between appointments is neither unusual nor unusually long in the history of the nation. There have been similar or longer intervals between appointments 17 times previously, the first occurring between June 1869 and October 1870. Of course, there were not as many positions to be filled in the early years of our nation's existence, but, on occasion, similar numbers of appointments were made.

As has become the norm, appointments have engendered negative media coverage, with various derogatory remarks directed toward this chamber, its function and membership.

• (1540)

Honourable senators, the Senate is an institution with a long and honourable place in Canadian history. Its primary function has commonly been described as providing “sober second thought” to proposed legislation passed by the other place, a function that has been diligently and successfully pursued and fulfilled. Amendments are regularly proposed by way of improvement, and despite the fact that many worthwhile modifications are not immediately accepted, the work of the Senate does not go unnoticed and our suggestions may later find their way into government proposals.

While “sober second thought” is an important part of the work of the Senate, the Senate has also gained increasing prominence through the many worthwhile studies undertaken by its committees, with significant reports emanating from those studies which have led to further discussion of critical issues and have formed the basis for later government action.

In addition to the good work done in reviewing bills and in committees, individual senators have made excellent use of their positions to shed light on a range of issues that have arisen and have been ardent advocates of advancing the interests of the nation.

It is also noteworthy that there is a high degree of collegiality within this chamber. That is not to say we agree on everything, far from it. However, this is a place where varied viewpoints are given a respectful hearing and in which reasoned and sometimes impassioned arguments have been known to sway opinion.

As a Westminster-model chamber, a healthy and robust official opposition party is critical in making the system effective. We on this side continue to hope that the Prime Minister will recognize the need for appointments to the ranks of the Conservative Party of Canada, the official opposition in this Senate.

In conclusion, I confidently anticipate that our new colleagues will soon find their stride and will make their own significant contributions to our common endeavour to serve our country to the best of our abilities. On behalf of all on this side, I wish to welcome our nine new colleagues to the Senate and wish them well as they assume their new responsibilities.

[Translation]

## ROUTINE PROCEEDINGS

### CANADIAN HUMAN RIGHTS TRIBUNAL

#### 2004 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table the annual report of the Canadian Human Rights Tribunal for 2004, in accordance with subsection 61(4) of the Canadian Human Rights Act.

[English]

### CANADIAN HUMAN RIGHTS COMMISSION

#### 2004 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table the 2004 annual report of the Canadian Human Rights Commission, pursuant to section 61 of the Canadian Human Rights Act and section 32 of the Employment Equity Act.

### AUDITOR GENERAL

#### APRIL 2005 ANNUAL REPORT TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, two copies of the Auditor General's report dated April 2005.

### INTERIM COMMITTEE OF PARLIAMENTARIANS ON NATIONAL SECURITY

#### REPORT TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, two copies of the report of the Interim Committee of Parliamentarians on National Security.

### THE ESTIMATES 2005-06

#### PART III—REPORT ON PLANS AND PRIORITIES TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, two copies of Part III of the 2005-06 Estimates, Report on Plans and Priorities.

[Translation]

### CRIMINAL CODE

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Lise Bacon,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, April 12, 2005

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### SIXTH REPORT

Your Committee, to which was referred Bill S-11, An Act to amend the Criminal Code (lottery schemes), has, in obedience to the Order of Reference of Tuesday, October 26, 2004, examined the said Bill and now reports the same with the following amendments:



*Page 1, clause 1:* Replace lines 8 to 17, with the following:

“(b.1) for the purposes of paragraph (1)(a), a game that is operated on or through a video lottery terminal or slot machine, within the meaning of subsection 198(3), situated on premises other than a casino, a race-course or a betting theatre referred to in paragraph 204(8)(e); or”

*Page 1, clause 2:* Replace lines 18 to 20, with the following:

“2. This Act comes into force on a day, not later than three years after the day on which it receives royal assent, to be fixed by order of the Governor in Council after the governments of the provinces and territories have been offered an opportunity by the Government of Canada to participate in consultation on its implementation.”

Your Committee has also made certain observations, which are appended to this report.

Respectfully submitted,

LISE BACON  
Chair

(For text of observations, see today's Journals of the Senate, Appendix, page 710.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Bacon, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

## PATENT ACT

### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Jerahmiel S. Grafstein,** Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 12, 2005

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

### EIGHTH REPORT

Your Committee, to which was referred Bill C-29, An Act to amend the Patent Act, has, in obedience to the Order of Reference of Monday, March 7, 2005, examined the said Bill and now reports the same with the following amendments:

1. *Page 2, new clause 2.1:* Add after line 19 the following:

“2.1 The Act is amended by adding, after section 103, Schedules 1 to 4 set out in *An Act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa)*, being chapter 23 of the Statutes of Canada, 2004.”

*Africa*), being chapter 23 of the Statutes of Canada, 2004.”

2. *Page 2, clause 3:* Replace lines 20 and 21 with the following:

“3. (1) Sections 1 and 2.1 come into force on the day on which *An Act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa)*, being chapter 23 of the Statutes of Canada, 2004, comes into force.

(2) Section 2 comes into force on a day to be fixed by order of”.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN  
Chair

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

## QUARANTINE BILL

### REPORT OF COMMITTEE

**Hon. Wilbert J. Keon,** Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, April 12, 2005

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

### ELEVENTH REPORT

Your Committee, to which was referred Bill C-12, An Act to prevent the introduction and spread of communicable diseases, has, in obedience to the Order of Reference of Wednesday, March 9, 2005, examined the said Bill and now reports the same with the following amendments:

1. *Pages 25 and 26, clause 62.1:* replace lines 23 to 38 on page 25, and lines 1 to 13 on page 26, with the following:

“62.1 (1) The Governor in Council may not make a regulation under section 62 unless the Minister has first caused the proposed regulation to be laid before both Houses of Parliament.

(2) A proposed regulation that is laid before a House of Parliament is deemed to be automatically referred to the appropriate committee of that House, as determined by the rules of that House, and the committee may conduct inquiries or public hearings with respect to the proposed regulation and report its findings to that House.

(3) The Governor in Council may make a regulation under section 62 only if

[English]

(a) neither House has concurred in any report from its committee respecting the proposed regulation before the end of 30 sitting days or 160 calendar days, whichever is earlier, after the day on which the proposed regulation was laid before that House, in which case the regulation may be made only in the form laid; or

(b) both Houses have concurred in reports from their committees approving the proposed regulation or a version of it amended to the same effect, in which case the regulation may be made only in the form concurred in.

(4) For the purpose of this section, "sitting day" means a day on which the House in question sits."

2. Page 26, clause 62.2: replace lines 25 and 26 with the following:

"before each House of Parliament, the Minister shall cause to be laid before each House a statement of the".

Respectfully submitted,

WILBERT J. KEON  
Deputy Chair

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Keon, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1550)

[Translation]

## STUDY ON BILINGUAL STATUS OF THE CITY OF OTTAWA

### NOTICE OF MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO EXTEND DATE OF FINAL REPORT

**Hon. Lise Bacon:** Honourable senators, I give notice that at the next sitting of the Senate I will move:

That, notwithstanding the Order of the Senate adopted on Thursday, December 2, 2004, the date for the presentation of the final report of the Standing Senate Committee on Legal and Constitutional Affairs on the petitions tabled during the Third Session of the Thirty-seventh Parliament, calling on the Senate to declare the City of Ottawa a bilingual city and to consider the merits of amending section 16 of the Constitution Act, 1867, be extended from April 30, 2005, to October 27, 2005.

## QUESTION PERIOD

### CANADA-UNITED STATES RELATIONS

#### DROPPING OF SATELLITE BOOSTER ROCKETS IN CANADIAN WATERS—LACK OF COMMUNICATION

**Hon. Michael A. Meighen:** Honourable senators, last week Canadians were shocked to hear more than once that the U.S. was planning a missile test that could see booster rockets and space junk land within 25 kilometres of the Hibernia platform off Newfoundland. I say that Canadians were shocked more than once simply because the U.S. has rescheduled the launch on several occasions, bringing considerable unease to Canada's East Coast and within the oil industry.

As a result of conflicting reports from the Americans and, it must be said, poor cooperation between our two countries, 414 offshore workers from the Hibernia oil platform, the Terra Nova oil platform and an offshore drill rig could be evacuated at a cost to the industry of up to \$250 million.

After extensive meetings with U.S. officials, Premier Danny Williams stated that there was little that can be done to stop the launch. How can this be, honourable senators? How can this be tolerated when Canadians may be at risk, as well as the well-being of the oil industry? The Government of Canada has taken a back seat and it is the Premier of Newfoundland and Labrador who has taken the leadership role in this issue, even though it is clearly a matter for the federal government.

My question for the Leader of the Government in the Senate is this: Given that the trajectory of the U.S. rocket launch may well put Canadian lives and interests at risk, will the government insist that the United States alter its plans and change the trajectory? If not, will the government insist the United States pick up the tab for any industry evacuation?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the Government of Canada has been working actively with American officials, with officials from the Government of Newfoundland and Labrador and with the oil industry to look at all of the issues that have been raised by this proposed launch. It is not correct for Senator Meighen to say that we have been taking a back seat. The government has worked in collaboration with the province and with the industry and is concerned to effect a launch by the Americans that would be safe for our workers on offshore oil platforms off the coast of Newfoundland and Labrador.

The U.S. Air Force has identified a narrow band of ocean called a launch hazard area in which they expect their debris to fall. They have identified this area to the Government of Canada and the Government of Newfoundland and Labrador. The U.S. Air Force asserts that Hibernia and other platforms are some distance from this particular launch hazard area.



The United States can of course act unilaterally to launch this particular Titan 4 rocket, which carries a satellite, which according to the information we have been given is designed for North American security purposes. The U.S. is planning at the moment to launch on Sunday, April 17.

Should any damage take place to Canadian property, of course, we would make a claim under international law on behalf of Canadian citizens to compensate for that damage. The issue of evacuation of the personnel is under active consideration, and that decision is entirely within the authority of the Government of Newfoundland and Labrador.

**Senator Meighen:** Honourable senators, what is troubling here is the apparent lack of real communication between our two countries. Initially, Canadians were led to believe that the rocket launch over Newfoundland and Labrador was simply a missile test. Now we learn that a Titan 4 rocket is intended to carry a satellite for the Pentagon. Surely Canadians deserve to know what kind of risk is involved and not have all of these conflicting reports.

Therefore, I ask the Leader of the Government in the Senate, should Canadians come to expect this type of conflicting information, given the poor relations that exist between Canada and the United States that have developed under the watch of his government, or is this lack of communication perhaps one of the consequences of Canada's decision not to participate in the ballistic missile defence project?

**Senator Austin:** Honourable senators, the supplementary question is nothing but a pretext for political rhetoric.

**Some Hon. Senators:** Oh, oh.

**Senator Austin:** The facts are undoubted that the governments of Canada and the United States are working closely in all areas that relate to the defence of North America. The attempt to portray a poor relationship between the Government of Canada and the Government of the United States is inaccurate and does not serve Canadian national interests.

**Hon. J. Michael Forrestall:** Honourable senators, I should like to know whether the Canadian government has given any thought to the presence in that general area of a Canadian naval vessel and, if not, whether they urged our friends to the south to have naval presence in the general area that, if necessary, might be able to assist? In fact, is it required?

**Senator Austin:** Honourable senators, one hopes that the American military have mathematicians who can accurately calculate the trajectory of the rocket and can accurately calculate the release of its booster portions. That information is being exchanged with the Government of Canada and with the Government of Newfoundland and Labrador. As I said, the ultimate decision with respect to whether the offshore oil platforms will be manned at the time this rocket is launched belongs to the Government of Newfoundland and Labrador.

**Senator Forrestall:** Would the government take this opportunity to reconsider its stand on space and give to the Americans a clear indication that we are prepared to assist in whatever way we can, including general support, so that we might know of these adventures beforehand and be at the table to discuss the impact of such decisions on Canada?

**Senator Austin:** Honourable senators, this information was known beforehand. It was communicated to the Premier of the Province of Newfoundland and Labrador, who took the steps he thought were appropriate.

The relationship between Canada and the United States in matters of North American defence is excellent.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Am I to understand that the federal government was aware of this rocket launch prior to Premier Williams becoming involved? Could the minister inform us as to the sequence of events that took place? Was Premier Williams informed first? Was it the federal government informing Premier Williams, who then made a decision to try to do something such as pulling the people off Hibernia? What did take place?

**Senator Austin:** It is my understanding that the federal government conveyed the information to Premier Williams. If that turns out not to be the case, I shall inform this house.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting three delayed answers to oral questions raised in the Senate. The first response is to a question raised in the Senate by Senator Tkachuk on March 23, 2005, in regard to the Welland Canal and a reduction in tolls.

• (1600)

[English]

I also have a response to an oral question raised in the Senate on March 23 by Senator Comeau regarding the protection of inland fisheries; and a response to an oral question raised on March 8 by Senator Oliver regarding BSE-related tax measures.

## TRANSPORT

### WELLAND CANAL—REDUCTION IN TOLLS

*(Response to question raised by Hon. David Tkachuk on March 23, 2005)*

The responsibility over the structure of Seaway tolls resides with the St. Lawrence Seaway Management Corporation (SLSMC).

Transport Canada administers the management, operation and maintenance agreement between the SLSMC and the federal government. To this end, the role of the department was to ensure that this change to the structure of tolls was implemented in accordance with the provision of the Seaway Management Agreement.

The change to the structure of Seaway tolls is solely applicable to "new cargoes", specifically defined as cargo which has not moved through the Welland Canal in the past three years in an average amount greater than 10,000 metric tonnes. For such "new cargoes", the lockage fee on the Welland Canal will be replaced with a toll that is based on ship size (charge per gross registered tonnage). In addition, this measure will only apply if more than 50 per cent of the cargo carried on a ship transit qualifies as "new cargo." Lockage fees on the Welland Canal will continue to apply to all other cargo — that is, cargo that does not meet the specific definition of "new cargoes."

This change to Seaway tolls will have virtually no adverse impact on revenues but may encourage new cargoes / ships to a system that is not being used to its full capacity.

#### BACKGROUND:

- Responsibility for the operations and maintenance of the Canadian Seaway resides with the St. Lawrence Seaway Management Corporation under a long-term management agreement with the federal government pursuant to the *Canada Marine Act*.
- Under this agreement, the St. Lawrence Seaway Management Corporation is authorized to charge tolls and other user charges to finance the operation and maintenance of the Canadian Seaway.
- Since Seaway commercialization in 1998, Seaway tolls have been increased annually at a cost of living index.

### FISHERIES AND OCEANS

#### PROTECTION OF INLAND FISHERIES

(Response to question raised by Hon. Gerald J. Comeau on March 23, 2005)

The Department of Fisheries and Oceans (DFO) takes its responsibility for the conservation of salmonids very seriously and devotes a significant amount of resources (over \$2M annually) in the area of fisheries enforcement as well as resource monitoring, enhancement, habitat restoration, and stewardship.

DFO conducted a review of its inland compliance program in consultation with stakeholders in 2002/03 and has embarked on a 3 year plan to diversify and balance the program with a two-tiered approach, i.e. direct enforcement combined with a prevention education component. The program will be more effective in the longer run with a

diversified strategy that integrates stakeholder engagement, community partnership and stewardship initiatives along with direct enforcement activities.

The budget for the DFO inland fisheries enforcement program in the Newfoundland and Labrador Region has been stabilized at approximately \$1.6M (exceeding the levels of the late 1990s and early 2000s). There are more than 90 DFO Fishery Officers and 150 Fishery Guardians involved in inland fisheries enforcement in Newfoundland and Labrador. In 2004, Fishery Officers and contracted Fishery Guardians spent nearly 62,000 hours on inland enforcement (this far exceeds the amount of effort devoted to any other species). More than 250 charges were laid for salmon and trout violations in 2004, with an increased emphasis on offences that pose the highest risk to conservation (e.g. netting).

The regulatory framework for inland fishing is governed by both federal and provincial legislation. Revenues generated from licensing are received by the province. Additionally there is tremendous economic benefit derived in the province from recreational angling through the sale of fishing gear/tackle and provisions as well as the economic benefits from the associated tourism.

Under the terms of an agreement between the federal and provincial governments, all Provincial Conservation Officers are designated as Fishery Officers and all Fishery Officers/Fishery Guardians are designated as Conservation Officers. Detailed operational guidelines have been developed to guide the officers in day to day work. In 2004, approximately 46 per cent of salmon-related charges resulted from independent DFO efforts, 12 per cent from independent DNR (provincial) efforts, and 42 per cent from joint operations involving provincial and federal officers. Cooperative working relations and specific Joint Project Agreements have proven effective in assisting conservation and protection efforts and DFO looks forward to continuing this good work with their provincial partners.

### AGRICULTURE AND AGRI-FOOD

#### BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

(Response to question raised by Hon. Donald H. Oliver on March 8, 2005)

- Senator Oliver has raised the idea of tax incentives to increase cattle slaughter capacity in response to the BSE crisis.
- The Government has received requests for tax concessions to respond to a number of disasters or crises in recent years. The Government has generally provided relief through expenditure programs rather than the tax system.
- Tax policy in recent years has been focused on changes that increase both competitiveness and efficiency, such as a low uniform rate of tax across sectors, and capital cost allowance rates that reflect the useful life of assets.



- In some circumstances, tax incentives are not an efficient mechanism for delivering assistance. The government must ensure that the full value of the benefit is directed to the intended recipients. For example, tax incentives would be unlikely to benefit start-up operations in the near term.
- However, farmers do already benefit from preferential tax treatment through, for example:
  - On the capital gains side, there is:
    - intergenerational rollovers for the disposition of farm property;
    - the \$500,000 lifetime capital gains exemption for farm property; and
    - the 10-year reserve for gains on disposition of farm property.
  - On the income side, there is:
    - cash basis accounting;
    - a deferral of income from the sale of breeding stock due to drought;
    - a deferral of income from forced destruction of livestock; and
    - flexible inventory adjustment mechanism.
- The Government recognizes the importance of quickly enhancing domestic ruminant slaughter capacity in the wake of the BSE crisis. In this regard, the Government has initiated direct financial support (\$83 million) as well as regulatory changes to facilitate the development of new slaughter capacity:
  - The federal government is establishing a Loan Loss Reserve to increase lenders' willingness to support projects to increase ruminant slaughter capacity, including expansion and construction of small and medium-sized facilities.
  - The Canadian Food Inspection Agency (CFIA) is streamlining processes for establishment reviews and the approval of new plants under the Meat Inspection Act.
  - The CFIA has been provided with incremental resources for increased inspection activities related to the planned long-term increase in slaughter rates.
  - Governments will examine existing regulatory processes to identify opportunities for streamlining in order to allow expansion or construction of facilities to begin sooner.
  - On March 10, 2005, the Government announced a \$50 million contribution to the Canadian Cattlemen Association's Legacy Fund to help launch an aggressive marketing campaign to reclaim and

expand markets for Canadian beef. This marketing campaign is expected to generate more demand for the increased slaughter capacity being developed through the Loan Loss Reserve.

#### **Bovine Spongiform Encephalopathy (BSE) Programs Since June 2003**

	(million of dollars)
BSE Recovery Program (June 2003)	312
Cull Animal Program (November 2003)	120
Transitional Industry Support Program—direct payment component (March 2004)	678
Repositioning the Livestock Industry Strategy (September 2004)	488
Various food safety and research measures (2003 and 2004)	208
<b>Total</b>	<b>1,806</b>

Source: The Budget Plan 2005, Table 4.5, page 142

- Going forward, the Government is committed to examining all effective means of delivering assistance to this industry.

#### **ANSWER TO ORDER PAPER QUESTION TABLED**

##### **NATIONAL CAPITAL COMMISSION—POLICY FOR ACQUIRING PRIVATE PROPERTY IN GATINEAU PARK**

**Hon. Bill Rompkey (Deputy Leader of the Government)** tabled the answer to Question No. 10 on the Order Paper—by Senator Spivak

[Translation]

#### **ORDERS OF THE DAY**

##### **BUDGET IMPLEMENTATION BILL, 2004, NO. 2**

##### **SECOND READING—DEBATE ADJOURNED**

**Hon. Joseph A. Day** moved second reading of Bill C-33, to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

He said: Honourable senators, thank you for allowing me to introduce the second reading of Bill C-33. This is a bill to implement many of the measures relating to income tax announced in Budget 2004. Among the budget measures included in the bill are the air travellers security charge and a provision allowing interested Indian bands in Quebec to conclude sales tax agreements with the Government of Quebec.

In the Throne Speech of February 2004, the government described the measures it intended to take to improve the level and quality of the lives of Canadians. The three main themes are the strengthening of the country's social foundations, the building of a strong economy for the 21st century and the re-establishment of Canada's influence in the world.

Echoing these themes, Budget 2004 set the foundation for a better future for Canada. Permit me to illustrate just how the measures contained in this bill reflect this goal.

[English]

Honourable senators, this bill contains numerous amendments to the Income Tax Act. In the interests of time, I will not be able to mention all of them. In fact, the intent and purpose of second reading debate is to understand the general principles of the bill before it is referred to committee. My intention today is to deal with the bill in a general sense, touching on some of the highlights. Undoubtedly, the issues will be dealt with in more detail before the committee once second reading debate is concluded.

I will discuss the following general subjects: persons with disabilities; amendments to the Income Tax Act relating to charities; fairness and integrity issues within the Income Tax Act — and here I refer to the general anti-avoidance provisions; changes to the Income Tax Act relating to small businesses; Canada in the world, particularly income tax provisions with respect to our Armed Forces serving abroad; the air travellers security charge amendment; and an amendment with respect to providing certain taxing rights to First Nations.

I am sure honourable senators will agree that a fair tax system must recognize the special circumstances of certain taxpayers that reduce their ability to pay tax. A fair tax system must also help remove barriers to participation in our economy and in our society. To that end, the Canadian tax system includes a number of measures that acknowledge the unique costs faced by persons with disabilities. Recognizing that a fair tax system must evolve over time in order to reflect changes in the economy and society, Budget 2004 contains measures to help persons with disabilities, building on past actions taken by the government.

Specifically, this bill includes provisions that will allow caregivers to claim more of the medical and disability-related expenses that they incur on behalf of dependent relatives. This bill also allows for a tax deduction for the cost of disability supports required for employment or education, such as talking text books for the hard of hearing and sign language interpreters.

It is important to mention that this last measure regarding support for education and employment is in response to an early recommendation of the Technical Advisory Committee on Tax Measures for Persons with Disabilities that was established in Budget 2003, and the government has reacted to those recommendations.

Honourable senators, with respect to charities, another area of importance, Canadians recognize that registered charitable organizations are an integral part of Canada's social fabric. Indeed, 80,000 charities registered under the Income Tax Act form a significant part of Canada's voluntary sector. These charities deliver social services and financial support tailored to

meet the diverse needs of individuals and communities. In recognition of this contribution to the well-being of Canadians, Budget 2004 contains a number of initiatives that benefit the voluntary sector and the social economy. Specifically, Bill C-33 introduces a new regulatory scheme for registered charities. This is because Canadians must be able to donate to charities of their choice, trusting that their hard-earned money will be spent on charitable programs and services. Registered charities, for their part, must be able to operate with clearly established rules that are administered fairly and transparently. They must also have the flexibility to effectively manage the gifts entrusted to them by Canadians. This bill contains proposed changes to the tax rules for registered charities that will significantly help advance these goals.

• (1610)

First, the budget responds to the 75 recommendations contained in the March 2003 report of the Joint Regulatory Table that was launched in November of 2000 as one of six tables established by the government's Voluntary Sector Initiative. The report, resulting from extensive consultations between the Government of Canada, the charitable sector and other key stakeholders, called for improvements to the rules governing charities under the Income Tax Act.

Budget 2004 responded to the large majority of these recommendations concerning registered charities by proposing, among other things, a new compliance regime, a more accessible appeal regime, improved transparency and more accessible information. The Government of Canada has committed \$12 million a year to implement these important reforms.

Honourable senators, that is not all the bill offers to assist charitable organizations. Bill C-33 also takes important steps toward improving the rules that determine the portion of charitable donations that registered charities must devote to delivering their programs and services and the portion they are entitled to use for administration.

These steps include proposals to support more effective gift management practices by charities. These proposals will help ensure that capital endowments can provide a stable and sustainable flow of funds for the delivery of charitable programs and services to Canadians.

Honourable senators, with regard to protecting fairness and integrity, I would raise an issue that has been brought to the attention of honourable senators through various means and by various persons. I have no doubt that this will be the subject of considerable debate when and if this bill is referred to committee.

The general anti-avoidance rule, sometimes referred to as GAAR, was enacted by Parliament in 1988. The debate is not whether the general anti-avoidance rule should or should not exist. It does exist and has existed since 1988. Its aim is to protect the tax system against abusive tax avoidance as such tax avoidance undermines the fairness and integrity of the tax system as a whole. Budget 2004 included a proposal to clarify that the general anti-avoidance rule applies to income tax regulations, to tax treaties between Canada and other countries, as well as to the Income Tax Act itself.



Since the inception of the GAAR, the government has maintained that it applies to abusive tax avoidance transactions whether they involve the Income Tax Act itself, the income tax regulations, or Canada tax treaties. Furthermore, while some practitioners argue that the GAAR does not apply to abusive tax avoidance in the tax treaty context, the only court decision to date that has dealt with this issue has supported the government's position by stating, in obiter, that the GAAR does apply to abusive tax avoidance involving tax treaties.

As I have noted, since 1988, no court decisions have ruled against the government's position that the GAAR applies in the context of tax treaties. Accordingly, it cannot be said that the proposal in this bill constitutes a retroactive tightening of the law. This does not change a well-known position, it merely clarifies a position that has been well known since its inception. This measure has, nevertheless, been assessed against the criteria of the Department of Finance that were established a number of years ago in considering any retroactive amendments. The government is satisfied that those rules are met by this proposed clarification.

In summary, honourable senators, with respect to this general anti-avoidance provision, the proposed change seeks only to ensure that the Canada Revenue Agency has the authority to challenge transactions that abuse our tax system. The only court decision that has dealt with this issue stated, albeit only in obiter, that the GAAR applies to the abuse of tax treaties.

The decision to clarify the GAAR to apply to the income tax regulations and to the tax treaties meets the criterion established by the Department of Finance for exercising the government's prerogative to introduce retrospective legislation. Based on these considerations, I trust honourable senators will agree with me that this is an acceptable provision.

Honourable senators, with regard to small businesses, as I have just indicated, the government continues to make the tax system fairer for persons with disabilities and for the charitable sector and to ensure that the fairness and integrity of the tax system applies to all Canadians. The government is also committed to providing a fairer tax system for small businesses in Canada, which are the key drivers of our economy.

The government knows that it must establish an environment that allows Canadian businesses to develop, to grow, to prosper, and to take on the world. To that end, the initiatives contained in this bill reflect the government's commitment to helping Canadian businesses succeed through supportive tax policies. One example of such a policy relates to the carry-forward period for business losses.

Honourable senators can no doubt appreciate that it can sometimes take many years before a new business begins to earn profits. A fair and efficient tax system must recognize, appropriately, both profits and losses in determining tax liability. The current rules allow businesses to carry non-capital losses forward for seven years and backward for three years. Small businesses have told the government that seven years is not long enough to carry forward losses, particularly for new businesses undertaking risky ventures.

For example, a small biotechnology firm may incur losses over quite a few years before successfully commercializing its technology and earning profits. To provide additional support, particularly to the small business sector, Bill C-33 proposes to extend the non-capital loss carry-forward for all taxpayers for 10 years. In addition to improving fairness and smoothing out the impact of business cycles, extending the period to 10 years will harmonize the small business carry forward with the periods already applicable to farm losses.

• (1620)

Another measure contained in this bill to help small businesses in Canada is a proposal to accelerate the increase in the small business deduction limit. Specifically, Bill C-33 proposes a measure to accelerate a previous initiative to increase the amount of income eligible for the 12 per cent small business tax rate provided to small businesses. With passage of this bill, small businesses will have access to the \$300,000 limit for this taxation year, one year sooner than had previously been announced. This will help small business retain more of their income, income they can use for reinvestment and expansion.

Honourable senators, the next subject I will deal with is: Canada in the world. As you know, Canada plays an important role in promoting and facilitating peace and stability around the world. This role is fulfilled by relying on the contributions of the men and women of the Canadian Forces and the Canadian police services, including our RCMP.

Currently, men and women serving with the Canadian Forces on high-risk international missions receive special non-taxable allowances in addition to their regular pay, but the full amount of their regular pay has been subject to regular income tax. In recognition of the contribution of these individuals, Bill C-33 proposes to allow these men and women to deduct from their taxable income that employment income they earn while serving in high-risk military or police missions outside of Canada. To give you an idea of what this measure would mean for a member of our Canadian Armed Forces, an average soldier posted to Afghanistan for six months would save approximately \$4,600 on the federal side of his income tax.

Other measures in Bill C-33 include the air travelers' security charge. Honourable senators should not confuse the comments that I will be making with respect to the budget of 2004 with the more recent announcements and discussion of a further reduction in the budget of 2005. In Bill C-33, relating to 2004, honourable senators will recall that the air travelers' security charge was put in place to fund a plan to enhance personal and economic security for Canadians following the events of September 11, 2001. You will recall that, in December of 2001, the budget allocated \$7.7 billion through to fiscal year 2006-07 for this initiative, \$2.2 billion of which was identified to make air travel safer for Canadians.

This was in accordance with the new national security standards, including the creation of a new federal air security authority, the Canadian Air Transport Security Authority, sometimes referred to as CATSA. Following up on the commitment to review the charge in the budget of 2003, the government reduced the charge on round-trip domestic air travel by more than 40 per cent in 2003.

Based on updated revenue and expenditure projections, Bill C-33, this bill before you today, contains measures to reduce the charge even further, effective for tickets purchased on or after April 1, 2004. Specifically, for air travel within Canada, the charge will be reduced to \$6 from \$7 for one way, and to \$12 from \$14 for round-trip travel. For air travel between Canada and the United States, the charge is reduced to \$10 from \$12; and for international air travel, the charge is reduced to \$20 from \$24.

The government will continue to review the charge over time to ensure that revenue from the charge remains in line with expenditures on the enhanced air travel security system. As we know, in the budget of 2005, the government has now completed its third review of the charge and has proposed further reductions, which will be before us when that bill is forthcoming in due course.

Finally, honourable senators, I should like to make you aware of an initiative with respect to our First Nations. One of the other measures contained in this bill relates to Aboriginal taxation. In 2003, the government introduced legislation to allow interested First Nations to levy on their lands a First Nations' goods and service tax that is fully harmonized with the federal government's goods and service tax. To date, the government has already entered into taxation arrangements allowing nine First Nations to levy their own sales tax on reserve sales of fuel, tobacco products and alcoholic beverages.

The government is also prepared to facilitate the establishment of taxation arrangements between provinces, territories and interested First Nations. In that regard, Bill C-33 proposes amendments to the First Nations' goods and services tax to facilitate the establishment of taxation arrangements between the Government of Quebec and interested Indian bands situated in the Province of Quebec. The purpose of this initiative is to encourage these Indian bands to achieve a greater degree of self-reliance and self-government. The government remains willing to work with interested First Nations in putting these types of arrangements in place.

[Translation]

Honourable senators, I said at the beginning of my speech that, in Budget 2004, the government set the foundation for a better future for all Canadians.

The initiatives proposed in this bill represent important measures that will allow the government to build the society we all value, the economy we need, and the accountability framework we desire.

I am asking you, honourable senators, to vote in favour of passing the bill at second reading.

[English]

**Hon. Lowell Murray:** Will the honourable senator permit a question?

**Senator Day:** I would be pleased to attempt to answer the honourable senator's question.

**Senator Murray:** Honourable senators, the provision that I am interested in at the moment is that which would change a definition relating to the general anti-avoidance rule in the Income Tax Act, and to make that change retroactive for 17 years, to 1988.

The sponsor of the bill has said that this change satisfies the criteria of the Department of Finance. This is not surprising. However, on the arguably more objective criteria of the Canadian Bar Association and the Canadian Institute of Chartered Accountants, which focus on such matters as the rule of law, this provision gets a distinctly failing grade.

We will have an opportunity to explore all of this if and when the bill goes to committee. However, just to satisfy my curiosity, can the honourable senator tell us of any precedents that he has at hand for making changes in the law retroactive by 17 years?

**Senator Day:** Thank you, honourable senator, for the question. I spent some considerable period of time during my presentation on second reading on this very issue because I know that there has been some discussion of these particular clauses by various persons outside of this chamber.

The honourable senator mentioned a change in the definition. However, since we have held two sessions on this issue thus far, the honourable senator will know that it is not described as a change in definition but, rather, a clarification; and it is not deemed to be retroactive.

Retroactivity would be to change a situation by stating that, no matter what was understood, this was the intention from the beginning. That is not the intention of this particular clause. This clause is an attempt to clarify what has been the general understanding in the industry, and has been the government's position since the inception of these general anti-avoidance rules, which apply to people who abuse the tax system.

On motion of Senator Stratton, for Senator Oliver, debate adjourned.

• (1630)

## NATIONAL CANCER STRATEGY BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. J. Michael Forrestall** moved second reading of Bill S-26, to provide for a national cancer strategy.—(*Honourable Senator Forrestall*)

He said: Honourable senators, in the gallery are dedicated Canadians who are extraordinarily interested in this work — as am I. I want to begin by thanking those who have given major portions of their life in this area that is so necessary to the well-being of Canadians. I wish to thank Mr. Joe Varner, in particular, for making Premier Hamm of Nova Scotia understand that we must get on with this work.



Having said that, honourable senators, it is my pleasure, coming as it does on the heels of the announced federal budget for the Canadian Strategy for Cancer Control, to stand in this chamber today and ask you to support Bill S-26, the proposed National Cancer Strategy Act, that helps to put the legislative framework in place to support the research in the fight to control and defeat cancer. The bill has been endorsed by the Canadian Cancer Society and the National Cancer Institute.

The drive to get a Canadian strategy for cancer control has been endorsed by the Cancer Advocacy Coalition of Canada, whose members are in the gallery, and the Canadian Cancer Society, the Canadian Diabetes Association, the Heart and Stroke Foundation of Canada and the Canadian Lung Association — the so-called “Big Four” — after their successful drive to get a nationally funded strategy to control diabetes.

When you get to be my age, you start to think about health and wellness; you think about God's good grace for keeping you healthy. I particularly do, because I have been singularly blessed with good health all of my life. However, for many Canadians, health, wellness, being able to spend time with friends and family, being loved and giving of one's self, rests under the shadow of a dark disease, a fear, a remorseless scourge called cancer.

One in three Canadians is affected by cancer — one in three — and I suspect that number is much higher. For every statistic, there is a name; for every name, a broken heart, a broken family. Margaret Anne Lyons, 43, died shortly after her birthday of ovarian cancer. Dan Skaling — who was known to many here in Ottawa — died of complications from his fight against prostate cancer. Chris Houchin, 63, with whom I chased hurricanes around the Caribbean Sea and enjoyed myself, died this past summer of lung cancer. Three stories, three statistics, three families, three names and, sadly, three lives lost prematurely.

If current trends continue, 2.39 million Canadian workers will get cancer and, very sadly, 858,000 will die of cancer in the next 30 years. Cancer is the leading cause of premature death in Canada and will soon become the leading cause of death unless we take action now.

While the human cost is devastating, the cost in terms of economic damage to Canada and our ability to fund universal health care is cast in doubt. Cancer care in Canada is currently draining the health care systems of all the provinces. The economic productivity at cancer risk is \$545 billion; direct health care costs at cancer risk are \$175 billion; tax revenues of cancer risk is \$250 billion — and of that \$154 billion is federal tax revenues, and \$96.6 billion is provincial tax revenues. Of this \$250 billion of tax revenue at cancer risk, \$228 billion will be associated with morbidity costs — that is, productivity losses prior to death.

The big message in these staggering numbers is that the ability of governments across Canada to raise revenues over the next 30 years will be significantly affected by cancer unless action is taken to confront this mounting challenge. Surely, if we can save just one life, it would be worth it.

Bill S-26 will not result in any increase in government expenditure and will focus national research into the control, treatment and finding of a cure for cancer in its various forms. We are said to be 10 to 15 years away from finding such control or cure for most forms of cancer.

Bill S-26 provides for the Minister of Health to consult with provincial ministers of health in each province and with charities involved in cancer research in order to develop a plan for a national cancer strategy. Following that consultation, Minister of Health will be required under the proposed legislation to present a proposal to Parliament for the establishment of a national cancer strategy, the groundwork that has been well laid in the last two or three years by dedicated Canadians, as I have mentioned.

After the proposal has been debated in both Houses, the Minister of Health would then be required to introduce legislation to establish a strategy and an advisory committee.

The purpose of this bill is to compel the Minister of Health to show leadership on the introduction of a national research-driven strategy to control cancer.

Clause 3 of Bill S-26 compels that:

The Minister shall, within 90 days following the coming into force of the Act, consult with

(a) every minister responsible for the delivery of health services in a province, and

(b) every charity that is a registered charity under the *Income Tax Act* and that the Minister considers has, as its main objective, the funding of research into cancer,

to discuss the establishment of a national cancer strategy under the Act.

• (1640)

Clause 4 of the bill compels that the minister shall cause to be presented to each House, on one of the first five days on which the House sits after the expiry of 180 days following the coming into force of the act, a proposal for the establishment of:

(a) a national cancer strategy that provides for the Minister, and the ministers responsible for the delivery of health services in the provinces that agree to participate in the strategy, to coordinate the application of

(i) funds appropriated by Parliament,

(ii) funds appropriated by the legislatures of the provinces that agree to participate in the strategy, and

(iii) funds raised by charities that agree to participate in the strategy.

to finance research in Canada into the causes of cancer and its most effective treatments; and

(b) a committee to advise the Minister on the coordination referred to in paragraph (a)...

The committee for the coordination of the strategy would consist of representatives from the Government of Canada, from the provinces and from the designated charities.

Under clause 5, the government would then be compelled to debate the proposal in each House of Parliament during the first 15 days on which each chamber sits after the presentation of the proposed strategy.

Clause 6 ensures that within 90 days of the conclusion of the debates, the minister would be compelled to introduce the legislation that the minister considers necessary to establish a national cancer strategy.

Bill S-26 was written with asymmetric federalism in mind such that a province can opt in or out of the strategy while still enjoying the benefits of the national approach.

In conclusion, honourable senators, I had the bill drafted after the September 2004 health care meetings of the first ministers. I watched my premier, Dr. John Hamm, a thoughtful Nova Scotian, tell his colleagues and the Prime Minister that Canada needed a cancer control strategy. The Prime Minister agreed but then, sadly, has done nothing about it. In the recent budget, the government showed again that, for some reason, it simply cannot bring health and health care in Canada into focus. It truly does not understand the implications of continuing failure in this area. Of the \$300 million announced in the budget for the fight against chronic disease, \$90 million was previously announced to fight diabetes, for which we are all grateful, and the promised \$250 million over five years to fight cancer received only a few million dollars. It almost seems, because of its inaction, that the government would prefer that cancer continue to sadly afflict and kill Canadians at the current rate. I do not honestly believe that but it seems that way at times. Currently, 44 per cent of men will be afflicted with cancer at some time in their lives. Last year the figure was 43 per cent and two years ago 42 per cent were affected, and Canadians cannot afford that.

I ask honourable senators to support Bill S-26, to provide for a national cancer strategy, so that cancer might one day be beaten, once and for all.

On motion of Senator Rompkey, debate adjourned.

[Translation]

## ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Andreychuk, for the second reading of Bill S-23, An Act to amend the Royal Canadian Mounted Police Act

(modernization of employment and labour relations).  
—(Honourable Senator Rompkey, P.C.)

**Hon. Madeleine Plamondon:** Honourable senators, I would have likes to hear more about Bill S-23. I hope it will be referred to committee.

**The Hon. the Speaker pro tempore:** Is the senator referring to Bill S-23?

**Senator Plamondon:** Yes, I would like to know more about it.  
[English]

**The Hon. the Speaker pro tempore:** Senator Stratton, is it your intention to speak to the bill?

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, it was not my intention to speak. Senator Andreychuk is unable to speak to the bill today because of a commitment to the Foreign Affairs Committee but would like to do so at the next sitting of the Senate.

On motion of Senator Stratton, for Senator Andreychuk, debate adjourned.

## NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE  
TO MEET DURING ADJOURNMENT  
OF THE SENATE WITHDRAWN

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Day:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with Rule 95(3), to sit on Tuesday, April 5 and Wednesday April 6, 2005, even though the Senate may then be adjourned for a period exceeding one week.—(Honourable Senator Stratton)

**Hon. Tommy Banks:** Honourable senators, Motion No. 86 is no longer relevant because the date in question is past. I move that it be withdrawn from the Order Paper.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion withdrawn.

The Senate adjourned until Wednesday, April 13, 2005, at 1:30 p.m.





## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate



**THE SPEAKER**

The Honourable Daniel Hays

**THE LEADER OF THE GOVERNMENT**

The Honourable Jack Austin, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable Noël A. Kinsella

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**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

**DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES**

Gary O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

Terrance J. Christopher

## THE MINISTRY

According to Precedence

(April 12, 2005)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. Jean-C. Lapierre	Minister of Transport
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs and Minister of Human Resources and Skills Development
The Hon. Stéphane Dion	Minister of the Environment
The Hon. Pierre Stewart Pettigrew	Minister of Foreign Affairs
The Hon. Andy Scott	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Agriculture and Agri-Food
The Hon. William Graham	Minister of National Defence
The Hon. Albina Guarnieri	Minister of Veterans Affairs
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Leader of the Government in the House of Commons
The Hon. M. Aileen Carroll	Minister of International Cooperation
The Hon. Irwin Cotler	Minister of Justice and Attorney General of Canada
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Canadian Heritage and Minister responsible for Status of Women
The Hon. Giuseppe (Joseph) Volpe	Minister of Citizenship and Immigration
The Hon. Joseph Frank Fontana	Minister of Labour and Housing
The Hon. Scott Brison	Minister of Public Works and Government Services
The Hon. Ujjal Dosanjh	Minister of Health
The Hon. Ken Dryden	Minister of Social Development
The Hon. David Emerson	Minister of Industry
The Hon. Ethel Blondin-Andrew	Minister of State (Northern Development)
The Hon. Raymond Chan	Minister of State (Multiculturalism)
The Hon. Claudette Bradshaw	Minister of State (Human Resources Development)
The Hon. John McCallum	Minister of National Revenue
The Hon. Stephen Owen	Minister of Western Economic Diversification and Minister of State (Sport)
The Hon. Joseph McGuire	Minister of the Atlantic Canada Opportunities Agency
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Jacques Saada	Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie
The Hon. John Ferguson Godfrey	Minister of State (Infrastructure and Communities)
The Hon. Tony Ianno	Minister of State (Families and Caregivers)



## SENATORS OF CANADA

## ACCORDING TO SENIORITY

(April 12, 2005)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.

Senator	Designation	Post Office Address
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
One Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Sean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Anna Merchant	Saskatchewan	Regina, Sask.
Suzanne Ringuette	New Brunswick	Edmundston, N.B.
Mersey Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
erry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
laudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Laine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
illian Eva Dyck	Saskatchewan	Saskatoon, Sask.
rt Eggleton, P.C.	Ontario	Toronto, Ont.
ancy Ruth	Ontario	Toronto, Ont.
oméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
ames S. Cowan	Nova Scotia	Halifax, N.S.



## SENATORS OF CANADA

## ALPHABETICAL LIST

(April 12, 2005)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	C
Angus, W. David	Alma	Montreal, Que.	C
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	C
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	C
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	C
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	C
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	C
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Cowan, James S.	Nova Scotia	Halifax, N.S.	Lib
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	C
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	NDP
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	C
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	C
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	C
Harb, Mac	Ontario	Ottawa, Ont.	Lib
Hays, Daniel, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	C
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	C
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	C
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	C
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Lapointe, Jean	Saurol	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
LeBreton, Marjory	Ontario	Manotick, Ont.	C
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	C
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Lib
McCoy, Elaine	Alberta	Calgary, Alta.	PC
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	C
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Lib
Merchant, Pana	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Mitchell, Grant	Alberta	Edmonton, Alta.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nancy Ruth	Ontario	Toronto, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	C
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	C
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Ind
Poulain, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Ind
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Lib
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	C
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Spiwak, Mira	Manitoba	Winnipeg, Man.	Ind
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	C
Tardif, Claudette	Alberta	Edmonton, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	C
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
Vatt, Charlie	Inkerman	Kuujuuaq, Que.	Lib



**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
 (April 12, 2005)

**ONTARIO—24**

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Lorna Milne	Peel County	Brampton
16 Marie-P. Poulin	Northern Ontario	Ottawa
17 Francis William Mahovlich	Toronto	Toronto
18 Vivienne Poy	Toronto	Toronto
19 Isobel Finnerty	Ontario	Burlington
20 David P. Smith, P.C.	Cobourg	Toronto
21 Mac Harb	Ontario	Ottawa
22 Jim Munson	Ottawa/Rideau Canal	Ottawa
23 Art Eggleton, P.C.	Ontario	Toronto
24 Nancy Ruth	Ontario	Toronto

## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt . . . . .	Inkerman . . . . .	Kuujuuaq
2 Pierre De Bané, P.C. . . . .	De la Vallière . . . . .	Montreal
3 John Lynch-Staunton . . . . .	Grandville . . . . .	Georgeville
4 Jean-Claude Rivest . . . . .	Stadacona . . . . .	Quebec
5 Marcel Prud'homme, P.C. . . . .	La Salle . . . . .	Montreal
6 W. David Angus . . . . .	Alma . . . . .	Montreal
7 Pierre Claude Nolin . . . . .	De Salaberry . . . . .	Quebec
8 Lise Bacon . . . . .	De la Durantaye . . . . .	Laval
9 Céline Hervieux-Payette, P.C. . . . .	Bedford . . . . .	Montreal
10 Shirley Maheu . . . . .	Rougemont . . . . .	Ville de Saint-Laurent
11 Lucie Pépin . . . . .	Shawinigan . . . . .	Montreal
12 Marisa Ferretti Barth . . . . .	Repentigny . . . . .	Pierrefonds
13 Serge Joyal, P.C. . . . .	Kennebec . . . . .	Montreal
14 Joan Thorne Fraser . . . . .	De Lorimier . . . . .	Montreal
15 Aurélien Gill . . . . .	Wellington . . . . .	Mashteuiatsh, Pointe-Bleue
16 Jean Lapointe . . . . .	Saurel . . . . .	Magog
17 Michel Biron . . . . .	Milles Isles . . . . .	Nicolet
18 Raymond Lavigne . . . . .	Montarville . . . . .	Verdun
19 Paul J. Massicotte . . . . .	De Lanaudière . . . . .	Mont-Saint-Hilaire
20 Madeleine Plamondon . . . . .	The Laurentides . . . . .	Shawinigan
21 Roméo Antonius Dallaire . . . . .	Gulf . . . . .	Sainte-Foy
22 . . . . .	. . . . .	
23 . . . . .	. . . . .	
24 . . . . .	. . . . .	



## SENATORS BY PROVINCE-MARITIME DIVISION

## NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 John Buchanan, P.C.	Halifax	Halifax
5 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
6 Wilfred P. Moore	Stanhope St./Bluenose	Chester
7 Jane Cordy	Nova Scotia	Dartmouth
8 Gerard A. Phalen	Nova Scotia	Glace Bay
9 Terry M. Mercer	Northend Halifax	Caribou River
10 James S. Cowan	Nova Scotia	Halifax

## NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Viola Léger	Acadie/New Brunswick	Moncton
7 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
8 Pierrette Ringuette	New Brunswick	Edmundston
9 Marilyn Trenholme Counsell	New Brunswick	Sackville
10		

## PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

## SENATORS BY PROVINCE-WESTERN DIVISION

## MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak . . . . .	Manitoba . . . . .	Winnipeg
2 Janis G. Johnson . . . . .	Winnipeg-Interlake . . . . .	Gimli
3 Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert
4 Sharon Carstairs, P.C. . . . .	Manitoba . . . . .	Victoria Beach
5 Maria Chaput . . . . .	Manitoba . . . . .	Sainte-Anne
6 . . . . .		

## BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C. . . . .	Vancouver South . . . . .	Vancouver
2 Pat Carney, P.C. . . . .	British Columbia . . . . .	Vancouver
3 Gerry St. Germain, P.C. . . . .	Langley-Pemberton-Whistler . . . . .	Maple Ridge
4 Ross Fitzpatrick . . . . .	Okanagan-Similkameen . . . . .	Kelowna
5 Mobina S.B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver
6 . . . . .		

## SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina
2 Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun
3 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
4 Pana Merchant . . . . .	Saskatchewan . . . . .	Regina
5 Robert W. Peterson . . . . .	Saskatchewan . . . . .	Regina
6 Lillian Eva Dyck . . . . .	Saskatchewan . . . . .	Saskatoon

## ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays, <i>Speaker</i> . . . . .	Calgary . . . . .	Calgary
2 Joyce Fairbairn, P.C. . . . .	Lethbridge . . . . .	Lethbridge
3 Tommy Banks . . . . .	Alberta . . . . .	Edmonton
4 Claudette Tardif . . . . .	Alberta . . . . .	Edmonton
5 Grant Mitchell . . . . .	Alberta . . . . .	Edmonton
6 Elaine McCoy . . . . .	Alberta . . . . .	Calgary



## SENATORS BY PROVINCE AND TERRITORY

## NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

## NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

## NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

## YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

## ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of April 12, 2005)

\*Ex Officio Member

## ABORIGINAL PEOPLES

Chair: Honourable Senator Sibbeston

Deputy Chair: Honourable Senator St. Germain

Honourable Senators:

Angus,	Christensen,	* Kinsella,	Pearson,
* Austin,	Fitzpatrick,	(or Stratton)	Sibbeston,
(or Rompkey)	Gustafson,	Léger,	St. Germain,
Buchanan,			Watt.

*Original Members as nominated by the Committee of Selection*

Angus, \*Austin, (or Rompkey), Buchanan, Christensen, Fitzpatrick, Gustafson,  
 \*Kinsella (or Stratton), Léger, Mercer, Pearson, Sibbeston, St. Germain, Trenholme Counsell, Watt

## AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

* Austin,	Gill,	Kelleher,	Mercer,
(or Rompkey)	Gustafson,	* Kinsella,	Oliver,
Callbeck,	Hubley,	(or Stratton)	Tkachuk.
Fairbairn,			

*Original Members as nominated by the Committee of Selection*

\*Austin, (or Rompkey), Callbeck, Fairbairn, Gustafson, Harb, Hubley, Kelleher,  
 \*Kinsella (or Stratton), Mahovlich, Mercer, Oliver, Ringuette, Sparrow, Tkachuk.

## BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Fitzpatrick,	Kelleher,	Meighen,
* Austin,	Grafstein,	* Kinsella,	Moore,
(or Rompkey)	Harb,	(or Stratton)	Plamondon,
Biron,	Hervieux-Payette,	Massicotte,	Tkachuk.

*Original Members as nominated by the Committee of Selection*

Angus, \*Austin, (or Rompkey), Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, Kelleher,  
 \*Kinsella (or Stratton), Massicotte, Meighen, Moore, Plamondon, Tkachuk.



## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

## Honourable Senators:

Adams,	Buchanan,	Hubley,	Lavigne,
Angus,	Christensen,	Kenny,	Milne,
* Austin,	Cochrane,	* Kinsella,	Spivak.
(or Rompkey)	Gustafson,	(or Stratton)	
Banks,			

*Original Members as nominated by the Committee of Selection*

*Adams, Angus, \*Austin, (or Rompkey), Banks, Buchanan, Christensen, Cochrane, Finnerty, Gill, Gustafson, \*Kinsella (or Stratton), Lavigne, Milne, Spivak.*

## FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Hubley

## Honourable Senators:

Adams,	De Bané,	* Kinsella	Merchant,
* Austin,	Hubley,	(or Stratton)	Phalen,
(or Rompkey)	Johnson,	Mahovlich,	St. Germain,
Comeau,		Meighen,	Watt.

*Original Members as nominated by the Committee of Selection*

*Adams, \*Austin, (or Rompkey), Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, \*Kinsella (or Stratton), Mahovlich, Meighen, Phalen, St. Germain, Watt.*

## FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

## Honourable Senators:

Andreychuk,	Corbin,	Eyton,	Mahovlich,
* Austin,	De Bané,	Grafstein,	Prud'homme,
(or Rompkey)	Di Nino,	* Kinsella,	Robichaud,
Carney,	Downe,	(or Stratton)	Stollery.

*Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin, (or Rompkey), Carney, Corbin, De Bané, Di Nino, Downe, Eyton, Grafstein, \*Kinsella (or Stratton), Poy, Prud'homme, Robichaud, Stollery.*

# HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Pearson

## Honourable Senators:

Andreychuk,	Ferretti Barth,	LeBreton,	Pearson,
Austin,	Kinsella,	Losier-Cool,	Pépin,
(or Rompkey)	(or Stratton)	Oliver,	Poy.
Carstairs,			

### *Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin (or Rompkey), Carstairs, Ferretti Barth, \*Kinsella (or Stratton), LaPierre, LeBreton, Oliver, Pearson, Poulin, Poy.*

# INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

## Honourable Senators:

Austin,	De Bané,	Keon,	Nolin,
(or Rompkey)	Di Nino,	* Kinsella,	Poulin,
Bank,	Furey,	(or Stratton)	Smith,
Cook,	Jaffer,	Lynch-Staunton,	Stratton.
Day,	Kenny,	Massicotte,	

### *Original Members as nominated by the Committee of Selection*

*\*Austin, (or Rompkey), Banks, Cook, Day, De Bané, Di Nino, Furey, Jaffer, Kenny, Keon, \*Kinsella (or Stratton), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.*

# LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Eyton

## Honourable Senators:

Andreychuk,	Cools,	Mercer,	Ringuette,
Austin,	Eyton,	Milne,	Rivest,
(or Rompkey)	* Kinsella,	Nolin,	Sibbeston.
Bacon,	(or Stratton)	Pearson,	
Bryden,			

### *Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin, (or Rompkey), Bacon, Cools, Eyton, Joyal, \*Kinsella (or Stratton), Mercer, Milne, Nolin, Pearson, Ringuette, Rivest, Sibbeston.*



## LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Vice-Chair:

## Honourable Senators:

Lapointe,	Poy,	Stratton,	Trenholme Counsell.
LeBreton,			

*Original Members agreed to by Motion of the Senate  
Lapointe, LeBreton, Poy, Stratton, Trenholme Counsell.*

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## NATIONAL FINANCE

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Day

## Honourable Senators:

* Austin,	Cools,	Forrestall,	Murray,
(or Rompkey)	Day,	Harb,	Oliver,
Biron,	Downe,	* Kinsella,	Ringuette,
Comeau,	Ferretti Barth,	(or Stratton)	Stollery.

*Original Members as nominated by the Committee of Selection*

*\* Austin, (or Rompkey), Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb,  
\* Kinsella (or Stratton), Mahovlich, Murray, Oliver, Ringuette, Stratton.*

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## NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

## Honourable Senators:

Atkins,	Cordy,	Kenny,	Lynch-Staunton,
* Austin,	Day,	* Kinsella,	Meighen,
(or Rompkey)	Forrestall,	(or Stratton)	Munson.
Banks,			

*Original Members as nominated by the Committee of Selection*

*Atkins, \* Austin, (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny,  
\* Kinsella (or Stratton), Lynch Staunton, Meighen, Munson.*

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# VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	Day,	* Kinsella,	Meighen.
Austin,	Forrestall,	(or Stratton)	
(or Rompkey)	Kenny,		

# OFFICIAL LANGUAGES

Chair: Honourable Senator Corbin

Deputy Chair: Honourable Senator Buchanan

Honourable Senators:

Austin,	Chaput,	Jaffer,	Léger,
(or Rompkey)	Comeau,	* Kinsella,	Murray.
Buchanan,	Corbin,	(or Stratton)	

## *Original Members as nominated by the Committee of Selection*

*\*Austin, (or Rompkey), Chaput, Comeau, Corbin, Jaffer, \*Kinsella (or Stratton), Lavigne, Léger, Meighen, Merchant, St. Germain.*

# RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Lynch-Staunton

Honourable Senators:

Andreychuk,	Di Nino,	* Kinsella,	Maheu,
Austin,	Fraser,	(or Stratton)	Milne,
(or Rompkey)	Furey,	LeBreton,	Robichaud,
Chaput,	Jaffer,	Lynch-Staunton,	Smith.
Cools,	Joyal,		

## *Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin, (or Rompkey), Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal, \*Kinsella (or Stratton), LeBreton, Lynch Staunton, Maheu, Milne, Poulin, Robichaud, Smith.*



# **SCRUTINY OF REGULATIONS (Joint)**

**Joint Chair: Honourable Bryden**

**Vice-Chair:**

**Honourable Senators:**

Baker,	Bryden,	Kelleher,	Moore,
Biron,	Hervieux-Payette,	Lynch-Staunton,	Nolin.

## *Original Members as agreed to by Motion of the Senate*

*Baker, Biron, Bryden, Hervieux-Payette, Kelleher, Lynch-Staunton, Moore, Nolin.*

# **SELECTION**

**Chair: Honourable Senator Losier-Cool**

**Deputy Chair: Honourable Senator LeBreton**

**Honourable Senators:**

* Austin,	Carstairs,	* Kinsella,	Losier-Cool,
(or Rompkey)	Comeau,	(or Stratton)	Rompkey,
Bacon,	Fairbairn,	LeBreton,	Stratton,
			Tkachuk.

## *Original Members agreed to by Motion of the Senate*

*\* Austin, (or Rompkey), Bacon, Carstairs, Comeau, Fairbairn,*

*\* Kinsella (or Stratton), LeBreton, Losier-Cool, Rompkey, Stratton, Tkachuk.*

# **SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

**Chair: Honourable Senator Kirby**

**Deputy Chair: Honourable Senator Keon**

**Honourable Senators:**

* Austin,	Cook,	Johnson,	Kirby,
(or Rompkey)	Cordy,	Keon,	LeBreton,
Callbeck,	Fairbairn,	* Kinsella,	Pépin,
Cochrane,	Gill,	(or Stratton)	Trenholme Counsell.

## *Original Members as nominated by the Committee of Selection*

*\* Austin, (or Rompkey), Callbeck, Cochrane, Cook, Cordy, Fairbairn, Gill, Johnson, Keon, \*Kinsella (or Stratton), Kirby, LeBreton, Morin, Pépin.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

Austin, (or Rompkey)	Eyton, Fraser, Johnson,	* Kinsella, (or Stratton) Merchant,	Munson, Phalen, Tkachuk, Trenholme Counsell.
Carney, Chaput,			

*Original Members as nominated by the Committee of Selection*

\*Austin, (or Rompkey), Baker, Carney, Eyton, Fraser, Gill, Johnson,  
\*Kinsella (or Stratton), LaPierre, Merchant, Munson, Phalen, Tkachuk, Trenholme Counsell.

THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Lynch-Staunton

Honourable Senators:

Andreychuk, Austin, (or Rompkey) Day,	Fairbairn, Fraser, Jaffer,	Joyal, * Kinsella, (or Stratton)	Lynch-Staunton, Smith.
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*Original Members as nominated by the Committee of Selection*

Andreychuk, \*Austin, P.C (or Rompkey), Day, Fairbairn, Fraser, Harb,  
Jaffer, Joyal, \*Kinsella (or Stratton), Lynch-Staunton.



# CONTENTS

Tuesday, April 12, 2005

	PAGE
<b>Business of the Senate</b>	
Foreign Affairs Committee Authorized to Meet During Sitting of the Senate.	
Hon. Bill Rompkey .....	999
<b>New Senators</b>	
Introduction .....	999

## SENATORS' STATEMENTS

<b>Tributes</b>	
The Late Pope John Paul II.	
Hon. Jack Austin .....	999
Hon. Noël A. Kinsella .....	1000
Hon. Marie-P. Poulin .....	1000
Hon. Consiglio Di Nino .....	1000
Hon. Lise Bacon .....	1001
Hon. Gerry St. Germain .....	1001
Hon. Marcel Prud'homme .....	1002
Hon. Wilbert J. Keon .....	1002
Hon. Jeremiah S. Grafstein .....	1003
Hon. Marisa Ferretti Barth .....	1003
Hon. Jane Cordy .....	1004
<b>New Senators</b>	
Words of Welcome.	
Hon. Jack Austin .....	1004
Hon. Noël A. Kinsella .....	1004

## ROUTINE PROCEEDINGS

<b>Canadian Human Rights Tribunal</b>	
2004 Annual Report Tabled.	
The Hon. the Speaker .....	1005
<b>Canadian Human Rights Commission</b>	
2004 Annual Report Tabled.	
The Hon. the Speaker .....	1005
<b>Auditor General</b>	
April 2005 Annual Report Tabled.	
Hon. Bill Rompkey .....	1005
<b>Interim Committee of Parliamentarians on National Security</b>	
Report Tabled.	
Hon. Bill Rompkey .....	1005
<b>The Estimates 2005-06</b>	
Part III—Report on Plans and Priorities Tabled.	
Hon. Bill Rompkey .....	1005
<b>Criminal Code (Bill S-11)</b>	
Bill to Amend—Report of Committee.	
Hon. Lise Bacon .....	1005
<b>Patent Act (Bill C-29)</b>	
Bill to Amend—Report of Committee.	
Hon. Jeremiah S. Grafstein .....	1006
<b>Quarantine Bill (Bill C-12)</b>	
Report of Committee.	
Hon. Wilbert J. Keon .....	1006

<b>Study on Bilingual Status of the City of Ottawa</b>	
Notice of Motion to Authorize Legal and Constitutional Affairs Committee to Extend Date of Final Report.	
Hon. Lise Bacon .....	1007

## QUESTION PERIOD

<b>Canada-United States Relations</b>	
Dropping of Satellite Booster Rockets in Canadian Waters—Lack of Communication.	
Hon. Michael A. Meighen .....	1007
Hon. Jack Austin .....	1007
Hon. J. Michael Forrestall .....	1008
Hon. Terry Stratton .....	1008
<b>Delayed Answers to Oral Questions</b>	
Hon. Bill Rompkey .....	1008
<b>Transport</b>	
Welland Canal—Reduction in Tolls.	
Question by Senator Tkachuk.	
Hon. Bill Rompkey (Delayed Answer) .....	1008
<b>Fisheries and Oceans</b>	
Protection of Inland Fisheries.	
Question by Senator Comeau.	
Hon. Bill Rompkey (Delayed Answer) .....	1009
<b>Agriculture and Agri-Food</b>	
Bovine Spongiform Encephalopathy—Aid to Cattle Industry.	
Question by Senator Oliver.	
Hon. Bill Rompkey (Delayed Answer) .....	1009
<b>Answer to Order Paper Question Tabled</b>	
National Capital Commission—Policy for Acquiring Private Property in Gatineau Park.	
Hon. Bill Rompkey .....	1010

## ORDERS OF THE DAY

<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
Second Reading—Debate Adjourned.	
Hon. Joseph A. Day .....	1010
Hon. Lowell Murray .....	1013
<b>National Cancer Strategy Bill (Bill S-26)</b>	
Second Reading—Debate Adjourned.	
Hon. J. Michael Forrestall .....	1013
<b>Royal Canadian Mounted Police Act (Bill S-23)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Madeleine Plamondon .....	1014
Hon. Terry Stratton .....	1014
<b>National Security and Defence</b>	
Motion to Authorize Committee to Meet During Adjournment of the Senate Withdrawn.	
Hon. Tommy Banks .....	1014
<b>Appendix</b>	













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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

Wednesday, April 13, 2005

—◆—

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, April 13, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before we begin today, I have the great pleasure of drawing your attention to the presence in our gallery of a group of visitors from Malaysia. We have with us the Honourable Tan Sri Dato' Seri Dr. Abdul Hamid Pawanteh, the President of the Malaysian Senate. He is accompanied by his colleagues, the Honourable Senator Tuan Wong Foon Meng, Deputy President of the Senate; the Honourable Senator Dato' Benedict Bujan Tembak; the Honourable Senator Tuan Osman bin Bungsu; the Honourable Senator Puan Nosimah binti Hashim; the Honourable Datuk Zamani Sulaiman, Secretary of the Senate; and Encik Salleh bin Abas, Secretary of the Delegation.

I am also pleased to draw your attention to His Excellency Dennis Ignatius, Malaysia's High Commissioner to Canada.

Welcome to the Senate.

**Hon. Senators:** Hear, hear!

## SENATORS' STATEMENTS

### NATIONAL VOLUNTEER WEEK

**Hon. Terry M. Mercer:** Honourable senators, as Chair of the Association of Fundraising Professionals Foundation for Philanthropy in Canada, I am honoured that next week the federal government will celebrate National Volunteer Week. It is the occasion for all Canadians to honour their volunteers and to recognize that giving of ourselves helps to make our nation a better place.

Over 6.5 million Canadians are actively volunteering in their communities. All Canadians recognize that helping others in need is the backbone of a caring society. Volunteers help to shape the cultural landscape of our nation, but also gain many benefits from the social interactions that occur.

Honourable senators, collectively, volunteers give over 2 billion hours of their time annually — the equivalent of 1 million full-time jobs. This is a vital force that we must celebrate and encourage. However, this force of Canadian generosity cannot be taken for granted. We must promote the value of volunteering more and encourage more Canadians to participate.

National Volunteer Week provides the opportunity for all Canadians to recognize the importance of volunteering. However, we should not just celebrate it next week, but all weeks

throughout the year because clearly the story of volunteers is about how Canadians come together to build communities and to work for the benefit of the public. It is truly a story of how Canadians define themselves.

Honourable senators, I am sure you will join me in thanking and congratulating all of Canada's volunteers for their hard work and dedication.

### THE LATE POPE JOHN PAUL II

#### TRIBUTE

**Hon. John Buchanan:** Honourable senators, I rise to say a few words about the late Pope John Paul II.

I had the great honour and privilege of welcoming the Pope to Nova Scotia in 1984. Prior to the huge mass that was held at the Halifax Commons, I met him a second time. I also had the privilege of speaking to him as he left Halifax. We were able to say goodbye to him.

A few short stories are appropriate. Prior to the Pope arriving, Archbishop Hayes, the Archbishop of Halifax, had mentioned that Pope John Paul II was fluent in seven languages and conversant in three or four others. Therefore, as I had done on many occasions to visitors to Nova Scotia, I welcomed him when he came off the plane by simply saying, "Welcome to Nova Scotia, bienvenue en Nouvelle-Ecosse, ciad mile failte." Senator Kirby will remember that that was my usual greeting.

Immediately His Holiness said, "First was English, second was French," and I thought he was going to ask what language the third was, but he said, "the third was Gaelic." He knew the Gaelic language. As I said to Steve Murphy on television last week, "Archbishop Hayes was absolutely right, but I do not think Archbishop Hayes thought that he knew Gaelic also."

The Pope met with us before this grand mass at the Halifax Commons, where over 100,000 people were in attendance, in the rain and the wind. My wife, Mavis, and I sat right in the front, before a massive altar that the Province of Nova Scotia had financed and helped to build. Just before the Pope ascended to the altar, he asked me, "How long have you been premier?" and I responded, "Your Holiness, I have been premier to this point for six years. I was elected in 1978." With that twinkle in his eye and a smile, he looked at me and said, "I have been Pope for six years and I was elected in 1978."

• (1340)

The Pope had a tremendous sense of humour. When the Pope was leaving, a number of us were lined up to say goodbye to him at Shearwater Airport. The Pope presented my wife with a beautiful pearl rosary, and I was given a pewter cross. I said, "I hope you enjoyed your short stay in Nova Scotia, Your Holiness." He started to move away after shaking hands, and then abruptly turned back to me and said, "Premier, the

weather — all the rain and wind — your responsibility or mine?" Immediately, I said, "Your Holiness, my responsibility." The Pope boarded the plane and the late Bishop Power of Antigonish turned to me and said, "Thank heavens you gave him the right answer!"

[Translation]

### WORLD HEALTH DAY

**Hon. Rose-Marie Losier-Cool:** Honourable senators, April 7 was World Health Day. Its theme was "Make every mother and child count." This theme reminds us that there are still too many preventable maternal and infant deaths on this planet. Ninety-nine per cent of maternal and infant deaths occur in sub-Saharan Africa and Asia, at the rate of one every minute.

Canada has its problems too. Our country has a good health care system and its population is generally educated and fairly well off. According to the Public Health Agency of Canada, the maternal and infant death rate has decreased considerably since 1920, but the rate of severe maternal illness is still high, at close to five women per 1,000 deliveries. More than five children in 1,000 still die in the first year of life, which represents 85 per cent of deaths in children under the age of five.

In 2002, the leading causes of infant death were perinatal conditions, sudden infant death syndrome, congenital anomalies and injuries. Injury death is caused by transport injuries, drowning and homicide. Smoking and alcohol consumption remain a concern. Fourteen per cent of Canadian mothers smoked in 2003; 14 per cent consumed alcohol during their pregnancy. Inequalities in social status affect 10 per cent of Canadian families, whose children are often born preterm and more likely to suffer injury.

Aboriginal Canadians face higher risks of adverse pregnancy and infant health outcomes. The infant mortality rate remains about twice as high among First Nations neonates as in the general population in Canada.

Fortunately, the news is good for our children, because improved and specialized health care has substantially reduced their mortality rate at birth and at the age of five years. Our women, however, continue to face problems: with mothers having children ever later, there are risks for their pregnancy; increased use of means of assisted reproduction is leading to more multiple births and the resultant problems. Obesity has become endemic and affects a growing number of pregnancies; the rate of seropositivity in women is on the rise and increased from 12 per cent in 1985 to 25 per cent in 2002. So, there is some distance to go to in safeguarding the health of our mothers and children.

I invite you, therefore, to get involved in this matter, to become familiar with the 10 very simple interventions proposed by the Public Health Agency of Canada in its recent report and to promote these interventions.

[English]

### BUDGET 2005

#### INQUIRY—COMMENT IN SPEECH BY SENATOR TKACHUK

**Hon. David Tkachuk:** Honourable senators, on March 22, in a speech in this chamber, I spoke about corruption. On March 23, the Leader of the Government in the Senate, whose party has more than a passing acquaintance with the subject, graciously pointed out an error that I had made.

This is the first opportunity I have had to respond to this subject in a statement, given the Senate recess and the tributes yesterday to the late Pope John Paul II.

Liberals know their corruption well, honourable senators. I humbly defer to them on all matters related to the practice of it. The mistake I made was an honest one. I misread a newspaper headline that said — and I quote: "Sponsorship scandal leaves Canada 12th on list of 146 most corrupt countries."

Given the daily reports coming out of the Gomery inquiry, I naturally assumed that what the headline meant was that Canada was ranked twelfth worst. I should have known better. I should have known that there are many countries around the world with cruel and despotic rulers to whom this Liberal government can favourably compare itself. It is only too bad this government cannot do so with reference to other rich democracies, such as Finland, New Zealand, Denmark, Iceland, Sweden, Switzerland, Norway, the Netherlands, Australia or the United Kingdom, all of which were ranked above us in that report.

To the people of Canada, I apologize for what I said. It does seem that on this subject I was most prescient. I will let long-time and now former Liberal MP David Kilgour speak for me. As a one-time Secretary of State for Latin America and Africa, Mr. Kilgour knows something about third-world corruption. Here is what he said last week in response to the recent revelations coming out of the Gomery inquiry:

...the Liberal party was now seen "as looking on the public trust as a vulture looks on a dying calf." ... "Here we are, a G7 country, acting like a northern banana republic. What country is seen as more politically corrupt than us at the moment?"

What country indeed? Still, I should have looked more deeply into the report from which the newspaper got its headline. In that spirit, and with the appropriate measure of contrition that my misinterpretation calls for, let me read from a section of the report that refers to Canada.

2003-04 will be remembered primarily for the shockwaves sent out by the most damning auditor general's report ever, which detailed massive misappropriations and misuse of public funds in the Department of Public Works.



The report continues:

Sheila Fraser found little evidence to justify most of the expenditures and concluded that as much as C\$100 million (US\$77.4 million) was siphoned off to advertising firms — some with political connections to the government — through schemes involving overbilling, artificial invoices, fictitious contracts and other forms of abuse and mismanagement.

Honourable senators, Ms. Fraser did not know the half of it.

## PRINCE EDWARD ISLAND

### CHARLOTTETOWN— ONE HUNDRED FIFTIETH ANNIVERSARY

**Hon. Percy Downe:** Honourable senators, I rise today to congratulate the city of Charlottetown on the one hundred fiftieth anniversary of its incorporation.

The great small city of Charlottetown has a long and fascinating history, from its naming after Queen Charlotte to its designation as the capital city of Prince Edward Island by Captain Samuel Holland in 1765. Charlottetown was officially incorporated in 1855, 150 years ago.

The city of Charlottetown has many rich and interesting stories, from the American pirates who invaded in 1775 and stole the great seal of Prince Edward Island, never to be recovered, to the famous Prince Edward Island writer Lucy Maud Montgomery, who attended city schools.

Charlottetown is also well known for hosting visitors over the years, everyone from the Irish writer Oscar Wilde to, in more recent years, Prince Charles and his first wife, Princess Diana.

However, without a doubt, the most famous visitors to Charlottetown were the Fathers of Confederation, who, as Canadian historians have noted, walked up Great George Street in Charlottetown and into the pages of Canadian history.

The founding principles of our country were established at the Charlottetown Conference, in 1864, and formalized at the Quebec Conference. Our two founding cities, Charlottetown and Quebec, hosted the meetings that created Canada.

As our country expanded over the years, the significance of the Charlottetown Conference has been recognized in many ways. Province House in Charlottetown, where the Fathers of Confederation met, is now a national historic site. Every year, visitors from all over the world come to view the very location where Canada was founded.

• (1350)

Next door is the Confederation Centre of the Arts and the National Memorial to the Fathers of Confederation. Charlottetown is also the home to Founders' Hall, an interactive museum that explores the important role of the Charlottetown Conference in the formation of Canada.

Canadians are sometimes critical of other countries, but we can learn valuable and important lessons, such as their celebration and regard for significant historical cities.

There is a wonderful opportunity for the Government of Canada to give Canadians and visitors alike a better understanding of the founding of Canada. I would recommend that Charlottetown and Quebec City be included in an expanded mandate for the National Capital Commission. The NCC should be given new responsibilities to promote Ottawa, Charlottetown and Quebec City as our national capital and founding city commissions. This expanded commission would not only promote these three important historical cities; it would also teach lessons to Canadians and to visitors about our country.

The one hundred fiftieth anniversary of Charlottetown would be a wonderful opportunity for the Government of Canada to explore this option for the promotion of Canadian unity. I will be communicating this suggestion directly to the Prime Minister and responsible ministers.

In conclusion, I would like to say congratulations to Charlottetown Mayor Clifford Lee, city councillors and the citizens of Charlottetown on the one hundred fiftieth anniversary of the incorporation of their city.

## ROUTINE PROCEEDINGS

### INTERIM COMMITTEE OF PARLIAMENTARIANS ON NATIONAL SECURITY

#### NEWS RELEASE AND BACKGROUNDER TO REPORT TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table a copy, in both official languages, of the news release entitled "Deputy Prime Minister details proposed model for National Security Committee of Parliamentarians" and the accompanying backgrounder on *The Report of the Interim Committee of Parliamentarians on National Security*.

### PARLIAMENT OF CANADA ACT SALARIES ACT

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-30, to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other acts.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate, and notwithstanding rule 57(1)(f), I move that the bill be placed on the Orders of the Day for consideration at the next sitting of the Senate.

**The Hon. the Speaker:** Is leave granted, honourable senators?

Would you explain, please, Senator Rompkey? A request has been made.

**Senator Rompkey:** Honourable senators, the two sides talked about this bill this morning and decided that this was probably the best course of action. My understanding is that there is an agreement between the two sides that we proceed in this fashion.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

#### CANADA-JAPAN INTERPARLIAMENTARY GROUP

ELEVENTH ASIA-PACIFIC PARLIAMENTARIANS' CONFERENCE ON ENVIRONMENT AND DEVELOPMENT, AUGUST 17-20, 2004—REPORT TABLED

**Hon. Marie-P. Poulin:** Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Japan Interparliamentary Group following the Eleventh Asia-Pacific Parliamentarians' Conference on Environment and Development, held in Korolevu, Fiji, from August 17 to 20, 2004.

ASEAN INTERPARLIAMENTARY ORGANIZATION—TWENTY-FIFTH GENERAL ASSEMBLY, SEPTEMBER 12-17, 2004—REPORT TABLED

**Hon. Marie-P. Poulin:** Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Japan Interparliamentary Group following the Twenty-fifth General Assembly of the ASEAN Inter-Parliamentary Organization, held in Phnom Penh, Cambodia, from September 12 to 17, 2004.

#### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Michael Kirby:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to meet Monday, April 25, and Tuesday, April 26, 2005 as part of its study of issues concerning mental health and mental illness, even though the Senate may then be adjourned for a period exceeding one week.

## QUESTION PERIOD

### JUSTICE

FREEDOM OF RELIGION—ALBERTA HUMAN RIGHTS COMMISSION—SAME-SEX MARRIAGE ADVOCACY OF COERCIVE POWER

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate. Calgary Roman Catholic Bishop Fred Henry faces investigation by the Alberta Human Rights Commission for having advocated in a letter to his flock that the state "use its coercive power to proscribe" homosexuality in society's interests.

He said in a statement to *The Globe and Mail*:

If the Human Rights Commission is successful, it will prevent me from expressing my views and the position of the Roman Catholic Church.

I raised this matter before in this place to the Honourable Leader of the Government in the Senate, and he gave me assurances of grandeur that the freedom of religion was not in jeopardy. Is this a promise made and a promise broken?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, Senator St. Germain must have taken some time to compose that particular question.

The situation, as he well knows, is that there is a proceeding before a competent tribunal in the province of Alberta to determine whether advocating the use of coercive power is an abuse of our democratic system. I do not know whether the answer is yes or no. I do not know the facts and I will not join a lynch mob in dealing with this particular proceeding. I will leave lynch mob leadership to Senator Tkachuk.

**Senator St. Germain:** Honourable senators, Senator Tkachuk told us something that Pope John Paul taught the world. Tell the truth. You guys are corrupt.

**Some Hon. Senators:** Oh, oh!

**Senator St. Germain:** I will stand by that statement: The Liberal government is corrupt.

**Hon. Jeremiah S. Grafstein:** Point of order.

**The Hon. the Speaker:** Order, honourable senators, please.

**Senator Grafstein:** Is the honourable senator accusing me of corruption? Withdraw!

**The Hon. the Speaker:** Just to remind honourable senators, a point of order, which would be what I think Senator Grafstein is raising, is properly brought at the end of Routine Proceedings and before Orders of the Day. We are in Question Period. I believe Senator Austin had the floor in responding to a question from Senator St. Germain.



**Senator Grafstein:** Point of order.

**The Hon. the Speaker:** Senator Grafstein, under our rules, points of order are not permitted. If you have a point of order, it should be raised at the end of Routine Proceedings and before Orders of the Day.

**Senator Austin:** Honourable senators, we have just heard Senator St. Germain pointing at this side and saying: "You guys are corrupt." That is unparliamentary language and is probably a breach of the privileges of this chamber. As this is my first opportunity to deal with it, I would ask His Honour to review this question and to determine whether this is within the order of debate in this chamber and whether this is an abuse of the privileges of senators by Senator St. Germain.

I want to make this answer to him.

• (1400)

We have the Gomery inquiry, whose purpose it is to find the facts and report those facts to Canadians. The Prime Minister commissioned this proceeding. The Prime Minister said that he wanted this proceeding to get to the bottom of things. The Prime Minister said that if anyone has committed a crime against the Government of Canada, against the people of Canada, they will be charged and prosecuted.

The Prime Minister has put in place a police investigation with respect to this matter. The Prime Minister has put in place the recovery of funds improperly taken.

Senator St. Germain is obviously over the top when he wants to join a lynch mob that wants to hang the accused before the judge has made a determination as to what took place. This may well be, in his opinion, in the interests of the Conservative Party. If it is, go for it.

**Senator St. Germain:** Honourable senators, let us be clear. He started it, I did not, by claiming that there is a lynch mob mentality. There is no lynch mob mentality in this country. There is deep seated corruption in government in the country and we have to get to the bottom of it, but this does not relate to my question. You did not answer my question, which had to do with the freedom of religion in this country. You chose to go to Senator Tkachuk's statement, which I think grossly takes away from your integrity and your past record, sir.

**Senator Austin:** Honourable senators —

**Senator St. Germain:** I still have the floor.

**Senator Austin:** Talk away. It is good for us.

**Senator St. Germain:** Honourable senators, my supplementary question relates to the question that I asked about Bishop Henry. Bishop Henry feels that his freedom of religion or his freedom to express his religious views is in jeopardy. I have talked in this place before about the slippery slope in regard to jeopardizing the freedom of religion by virtue of what is taking place in the provinces right now.

The federal government has chosen to follow provincial court decisions regarding same-sex marriage. The Prime Minister, not a year and a half ago, clearly stated that marriage was a union between one man and one woman. All of a sudden, driven by judicial activism at the provincial level, the freedom of religious expression is in jeopardy. That is what I want an answer to, not to what Senator Tkachuk brought up.

**Senator Austin:** Certainly you do not want me to refer to Senator Tkachuk's outrageous statements. Senators' Statements are supposed to be statements of fact, not statements of political argument.

However, I will tell you about Bishop Henry. He has the full protection of the Charter of Rights and no one can take that away from him. The notwithstanding clause will not take it away from him because no political party in this country will remove the rights of Canadian citizens, whether the right of freedom of religion or the right of equality of treatment.

To come back to the comment that I intervened with an extraneous argument, Senator Tkachuk is the one who began with the question of corruption and the debate on corruption in this chamber. I feel somewhat ashamed that in front of our delegates from Malaysia we have to have these false statements and this ridiculous portrayal of Canada, for this is an honest country, one that is admired throughout the world for its integrity.

**Senator Tkachuk:** Poor you. Please!

**The Hon. the Speaker:** Order, please.

It might be timely for me to remind honourable senators of our rules. Question Period is an opportunity for questions to be put to the Leader of the Government, a minister or chairs of committees with a brief preamble and to be responded to with a brief preamble. It is not a time for debate.

## CITIZENSHIP AND IMMIGRATION

### DELAY IN FOREIGN CREDENTIAL RECOGNITION PROCESS

**Hon. Consiglio Di Nino:** Honourable senators, I am afraid to rise. This is an interesting debate, but I will ask a question to change the pace.

Honourable senators, Statistics Canada reported last month that in 2017, just 12 years away, visible minorities will comprise the majority of the population in our biggest cities, mainly as a result of immigration. It has been repeatedly stressed in this place and the other place that immigrants to our country often are not able to use their education and training here because of the slow pace and complexity of our foreign credential recognition process. Although this is a complex problem, recent numbers from Stats Canada illustrate the need to seriously address the situation and do it now. What truly is the federal government's plan to improve the recognition process for foreign professionals and educational credentials?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the government has launched an investigation leading toward changes with respect to the acceptance of credentials of foreign-trained professionals. We have a parliamentary secretary whose responsibility is specifically that subject, and we are in

dialogue with the provinces and with professional associations to come to an agreement on the way in which to accelerate both training and acceptance of credentials.

**Senator Di Nino:** With all due respect, honourable senators, we have been hearing about this matter for a long time. It is an issue I have been involved with for many years.

The media has reported that the announcement of a plan to accelerate this process has been repeatedly delayed by the government. These delays have occurred despite the fact that the last two throne speeches promised swift action to speed up the process.

Will the government leader please send a message of hope to the thousands of people out there who are waiting to get a job and make a meaningful contribution to Canada by having their credentials recognized? When can they expect action from the government that is meaningful rather than just words?

**Senator Austin:** Honourable senators, I want to thank Senator Di Nino for his support of this policy. We look forward to his additional support in dealing with the provincial governments, who have jurisdiction in terms of credentials, and with certain professional associations, who also have jurisdiction in this field by virtue of provincial legislation.

However, there is consensus as to the principle, which is a major advance. This government has shown leadership in achieving this advance. I want to report further to honourable senators that there is leadership from the community that will be affected by the improvement in the process of accepting and improving credentials. As far as I am aware, they seem to believe that serious progress is being made.

## FISHERIES AND OCEANS

### MEETING OF DEPUTY MINISTERS TO DISCUSS AGENDA FOR UPCOMING MINISTERS MEETING— DISAGREEMENT WITH P.E.I. REPRESENTATIVES

**Hon. Gerald J. Comeau:** Honourable senators, my question is for the Leader of the Government in the Senate. Last week, provincial deputy ministers of fisheries were in Ottawa to meet to discuss the agenda for an end-of-the-month meeting with the fisheries ministers. We have now learned that deputy ministers from P.E.I. were kicked out of the meeting, the excuse apparently being that there is a court action between P.E.I. and Fisheries and Oceans Canada. Would the minister not agree that this action is quite irresponsible and only serves to aggravate rather than improve federal-provincial relations?

• (1410)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I know nothing of the matter to which Senator Comeau has just referred. I will certainly make inquiries to determine what took place, why it took place and, indeed, if it did take place, as the honourable senator says it did, then what position other provinces took with respect to the matter. I assure Senator Comeau that I will report as soon as I can.

**Senator Comeau:** On a supplementary question, I will send the minister a copy of the April 7 *Charlottetown Guardian*. After the government leader reads the article, I would be pleased to know whether he agrees with me that disputes and disagreements are quite common between federal and provincial officials, and happen quite regularly. Does the minister agree that, rather than resorting to bullying and intimidation, the federal government should get involved at the executive level, rather than at the bureaucrat level, and advise these bureaucrats to no longer use the tactics of bullying and intimidation, especially in regard to Canada's smallest province, which is trying its best, without proper Conservative representation from P.E.I., to get its point across here in Ottawa?

**Senator Austin:** Honourable senators, I can only repeat my undertaking to look into the matters that have been raised by Senator Comeau. I am curious about the phrase "without proper Conservative representation from P.E.I." Perhaps my investigation will tell me what that really means.

## CANADA-UNITED STATES RELATIONS

### INTERNATIONAL JOINT COMMISSION— MANITOBA—EFFECT OF OPENING OF DEVIL'S LAKE OUTLET IN NORTH DAKOTA

**Hon. Janis G. Johnson:** Honourable senators, it is now less than 90 days before the scheduled opening of the Devil's Lake outlet in North Dakota. When this outlet opens, polluted water with a great many unknown biota will begin to be pumped northward into Manitoba from North Dakota, ending up in Lake Winnipeg.

Could the Leader of the Government in the Senate update us as to the efforts the government is engaged in to force an international review of this project by the International Joint Commission? North Dakota — and I have spoken about this matter previously in the Senate — has resisted this for many years and has also said that it will not respect any IJC recommendations when they come in.

Could the government leader please update us at this time?

**Hon. Jack Austin (Leader of the Government):** I thank Senator Johnson for what I believe is a very important question, not only as it affects the province of Manitoba and as it affects Canada and our relations with the United States, but also as it affects the validity of the International Joint Commission.

As honourable senators may know, the State of North Dakota has undertaken, on its own and at its own expense, to build an outlet ditch that, when it is completed — and it is expected that it will be completed about July — will allow water from Devil's Lake to flow northward into the Saskatchewan river system through the Red River.

The problem is that there are species in Devil's Lake and in the state of North Dakota that are foreign to species that are in the Manitoba water system and, as such, can be quite damaging to existing species.



The Government of Canada has requested the United States to agree to an order of reference to the International Joint Commission. If the United States, through its state department, would agree to that order of reference, it would vest jurisdiction in this binational body, which was set up under the Boundary Waters Treaty, 1909. I know honourable senators are familiar with a number of cases that have been adjudicated by the International Joint Commission.

The state department has not yet responded, but we have made repeated requests, including the Prime Minister, at the Crawford ranch, raising the matter and asking the President of the United States to deal with this expeditiously. I believe the matter is under the most urgent review in the United States.

If the United States does not accept a reference to the International Joint Commission, and if the waters are allowed to flow northward, then Canada will make a claim against the United States for any damages that are caused to Canada as a result of this unilateral action by the State of North Dakota.

**Senator Johnson:** I have a supplementary question. I know Canada has worked hard with respect to this matter; Ambassador McKenna himself has called me on the matter. We have been working on it for 15 years in Manitoba. Representatives from our province and the premier have been to Washington as well.

What position will we be in, because time is running out? If we are to proceed without an IJC reference, which is what North Dakota is saying they will do, this will break the precedent and risk the very existence of the 1909 Boundary Waters Treaty. Does the government leader have any further information?

As well, if all these avenues that the government is pursuing are exhausted, does the Leader of the Government in the Senate have any idea what options we are left with to prevent this water from being diverted, because North Dakota is refusing to honour these treaties? The risk is huge to my part of the world and for Canada.

There are other precedents. There is a situation in British Columbia as well, which is the reverse. Where will we be headed when all the options run out? Will we simply be left to deal with this water? It affects transference of water from basins all over North America.

**Senator Austin:** To supplement the first answer I gave, honourable senators, it is our view that the United States will respond positively. In the event of a positive response with respect to reference to the International Joint Commission, the federal court would then receive an application for an injunction against North Dakota continuing its work until the matter is settled under the Boundary Waters Treaty, 1909.

Should the United States not provide a reference, and if the United States is determined on a course that is unilateral and permits this diversion ditch to be completed and water to flow north of the boundary, then the remedy that is available to us is one in international law — that is, a claim, state to state, for damages incurred by Canada. That procedure would likely be one that we would want to refer to an international tribunal.

**Hon. Pat Carney:** I wish to ask a supplementary question on this issue, in which we have a shared interest. Could the government leader elaborate under what authority Canada could claim and collect damages in terms of this International Joint Commission issue? It is my understanding that the U.S. does not normally respond positively to claims for damages. Under what authority would this take place? Diplomatic notes will not solve the problem.

**Senator Austin:** I thank the honourable senator for that question. The International Joint Commission can make an award, if it has a joint reference. If there is no reference and the United States proceeds unilaterally, then there is a body of international law with respect to the rights of states to non-interference by their neighbours. There is a body of international law with respect to riparian rights and responsibilities.

For example, with respect to the St. Lawrence Seaway, in the 1920s the United States claimed that a wing dam created on the Canadian side was diverting the flow of water and damaging pier facilities and private property on their side. Canada accepted that particular claim because it was their obligation to do so under international law, and compensation was paid.

• (1420)

As Senator Carney will well know, in an analogous situation, the United States claimed damage to orchards and other property in the State of Washington from air pollution originating at the Trail, B.C., smelter. The arbitration became quite famous. Canada accepted arbitration in that case under similar principles to those administered by the International Joint Commission. There are other illustrations, but, certainly, Canada would not do nothing.

**Senator Carney:** The honourable leader has made the point that Canada has honoured its international obligations in this issue. I am asking him what evidence exists that the Americans would do the same. It is not a hypothetical question. The leader said that, according to the provisions of the International Joint Commission, it requires a joint reference, which may not occur. In what forum, in which country and under what authority would Canada seek an injunction against this project?

**Senator Austin:** With respect to the first part of the honourable senator's question, the United States made claims and Canada responded to those claims. In that case, the precedent of the United States claiming entitlement worked in both directions. When Sir Wilfrid Laurier was Prime Minister of Canada and the proposed Boundary Waters Treaty, 1909 was before Parliament, he said that, if the United States insisted on its right to divert waters from Lake Michigan through the Chicago drainage canal into the Mississippi River system, then Canada would have the same rights on the Canadian side. The action would be reciprocal. That has been the principle on which the two countries have dealt with such issues.

An injunction would not be sought in Canada because no Canadian court could issue an injunction in respect of any entity within the jurisdiction of the United States. However, there could be an application to a federal court that had jurisdiction over the State of North Dakota.

## PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM—  
INVOLVEMENT OF MINISTERS

**Hon. Marcel Prud'homme:** My question is for the Leader of the Government in the Senate. Would the leader assure the house that no ministers were aware of or a part of the activity that is currently the subject of the Gomery inquiry?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the Prime Minister has ensured that in the process of examining the entitlement of parliamentarians to become members of the ministry, no minister who reported in that process participated in the events to which Senator Prud'homme refers.

**Senator Prud'homme:** Does the honourable leader know whether any minister was aware of the activities that led to this inquiry?

**Senator Austin:** I can assure the honourable senator that no minister of this government was aware of any acts of fraud or any crimes that are alleged to have taken place.

## JUSTICE

AIR INDIA BOMBING—  
JUDICIAL INQUIRY INTO INVESTIGATION

**Hon. A. Raynell Andreychuk:** Honourable senators, last night members in the other place voted in favour of an opposition motion calling for a judicial inquiry into the investigation of the Air India bombing of June 23, 1985. This was the largest mass murder in Canadian history. The families and friends of the victims and all Canadians deserve answers. We know that this government does not always adhere to the will of the House of Commons but surely, in this case, the will of the people, as expressed through the majority vote in the other place, should be respected.

My question for the Leader of the Government in the Senate is: Will the government do the right thing and establish a judicial inquiry into the investigation of the Air India bombing? Not only do we need to know about the details of the Air India disaster but we also need to learn lessons from it. All CSIS, RCMP and judicial officers involved in the Air India inquiry deserve to know whether their practices and procedures were adequate or whether something else should be done or demanded of the government either by way of legislation, policy or practice. The time for an inquiry is now.

**Hon. Jack Austin (Leader of the Government):** Senator Andreychuk poses good and valid questions. The government has noted the vote in the other place and is proceeding in a regular and systemized way to determine the questions on which we do not have public information and disclosure.

The Deputy Prime Minister announced that an eminent person will be chosen to examine the content of the public record, what is not known, and the questions to which an inquiry might respond that are not now on the public record. As soon as that process has taken place, we will have the answer as to whether a public inquiry will be launched.

**Senator Andreychuk:** An eminent person would be an adequate response in a different situation. However, in this case, government cannot appoint someone to look into the issues and report back to the government. That would not be good enough. That would fall short of what the families want. They want an independent inquiry. They do not want necessarily to be informed again that there was wrongdoing, but they do want someone to have a fresh look at the case. They want people to know that best practices are in place because, as some of the victims have said, they do not want another Canadian to be in their shoes. To appoint an eminent person for the purposes described by the honourable leader would be of no value. It is merely a delaying tactic. We need to get on with the inquiry.

**Senator Austin:** Honourable senators, on the face of it, Senator Andreychuk and I have a disagreement about the process that should be launched in this matter. Inquiries must be shown to have the opportunity to be useful to public knowledge. There can be no serious objection to having a professional, analytical look at what an inquiry might produce. In other words, there must be a prima facie case for an inquiry because of what remains to be known.

It is an interesting issue. The Air India disaster occurred in 1985. The work by security agencies and police that took place between 1985 and 1993 was under the authority of a previous government.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting three delayed answers to oral questions. The first response is to a question raised in the Senate by Senator Comeau on March 9, 2005, in regard to RCMP Forensic Laboratory Services.

[English]

I have a second response to an oral question raised in the Senate on March 23, 2005, by Senator Atkins regarding criminal activity in mortgage fraud and identity theft. I have a third response to oral questions raised in the Senate on March 22, 2005, by Senator Carney concerning the CFIA's report on Avian influenza (jurisdictional problems and bio-security issues.)

## ROYAL CANADIAN MOUNTED POLICE

## CLOSURE OF EDMONTON FORENSIC LABORATORY

(Response to question raised by Hon. Gerald J. Comeau on March 22, 2005)

*How will these labs cope with the increased workload when they are already operating under a backlog? How will they cope when the Edmonton laboratory is closed?*

There are no backlogs in the processing of crime scene DNA samples at the Forensic Laboratory Services (FLS), or convicted offender samples processed by the National DNA Data Bank.



The FLS processes all urgent cases within 15 days, and response times for all non-urgent cases are negotiated between the Case Receipt Unit and the investigator.

*Closure of the Forensic Laboratory Services Edmonton site:*

The FLS workload will not increase as a result of the closing of the FLS Edmonton site.

Closing the Edmonton site will not reduce the number or types of services provided to Canadian law enforcement. The services currently delivered at the Edmonton site will be transferred to the other five FLS sites across Canada. The staff and equipment will be transferred to other FLS sites.

The FLS is a national service; regardless of where cases are submitted, the Case Receipt Unit at each site receives all cases and distributes them to the FLS site where they can be most efficiently analyzed. The FLS has committed to maintain the Case Receipt Unit in Edmonton (at a different location), and will open another one in Calgary. This will enhance the case submission process in Alberta.

The Edmonton site provides trace evidence analysis, document examinations, breath test program services and biology reporting. The Edmonton site does not perform biology analysis (which includes the scientific processing of crime scene samples to derive DNA profiles), which is currently offered out of Vancouver and Ottawa.

*Is it the intention of the government to deliver results in a timely fashion by relying on private labs to do the work that was done by government labs in the past?*

The RCMP Forensic Laboratory Services (FLS) has a standing offer arrangement with an accredited private laboratory for analysis of biology cases. This contracting mechanism is used at the discretion of the FLS to manage unpredictable casework fluctuations that exceed our ability to provide timely responses to investigators.

The FLS audits the quality of services provided by the contractor.

The Government of Canada does not intend to dismantle the FLS in favour of private laboratories.

## JUSTICE

### CRIMINAL ACTIVITY IN MORTGAGE FRAUD AND IDENTITY THEFT

*(Response to question raised by Hon. Norman K. Atkins on March 23, 2005)*

The *Criminal Code* currently contains provisions to protect individuals from mortgage fraud through identity theft. A person who fraudulently represents himself or herself as another person, living or dead, with intent to gain an advantage for himself/herself or for another person commits the offence of personation. Securing a mortgage to

which the individual would not otherwise be entitled constitutes a legally protected "advantage". Further, a person who by deceit, falsehood or other fraudulent means defrauds the public or another person of any property, money or valuable security or service may be found guilty of fraud. If a mortgage takeover by impersonating another person involves knowingly using forged documents to convince the bank that the perpetrator of the crime is someone else, the elements of uttering a forged document may also be applicable. Persons convicted of any of these crimes on indictment (provided that in the instance of fraud the amount of the fraud exceeds five thousand dollars) are subject to a maximum penalty of imprisonment of ten years.

The Department of Justice has been examining the current *Criminal Code* provisions to assess whether there are limitations in the current law to deal with identity theft and has formulated various options to address those limitations. The work that the Department is doing has been informed by input received from other federal departments, provincial and territorial officials, law enforcement and from stakeholders. All of this work will assist the Department in formulating any changes that are needed to ensure that individuals are protected from mortgage fraud through identity theft.

Compensation for legal costs for victims of crime is not within the legislative jurisdiction of the federal government. The Senator may wish to direct his concerns about such compensation to the appropriate provincial or territorial authorities that are responsible for the administration of justice in that jurisdiction.

## HEALTH

### CANADIAN FOOD INSPECTION AGENCY— BRITISH COLUMBIA AVIAN FLU OUTBREAK— JURISDICTIONAL PROBLEMS

*(Response to question raised by Hon. Pat Carney on March 22, 2005)*

Agriculture and Agri-Food Canada is working with the British Columbia Ministry of Agriculture, Food and Fisheries and with the British Columbia Poultry Committee to develop and implement bio-security protocols that apply to poultry farms and those who have business with them. These protocols are intended to minimize the risk of virus infecting any farm and of a spread of infection to other farms as occurred in the Abbotsford area in 2004.

Upon declaration that a farm is an infected premise and placed under quarantine, CFIA occupational safety and health obligations under the Canada Labour Code are triggered. The Agency ensures that its employees as well as any contracted labour are provided with training, safe work procedures, hygiene practices and personal protective equipment. This is done on the basis of advice received from Health Canada which is the department responsible for advising on public service health matters. In the case of

the 2004 Avian Influenza outbreak, appropriate use of all personal protective equipment was monitored by safety and health professionals on site.

The Agency also provided community education sessions to producers to increase awareness of the risks and appropriate bio-security measures required.

Producers are responsible under provincial jurisdiction and applicable labour codes for families and farm employees on their premises.

CFIA emergency plans now incorporate the requirements for personal protective equipment that will be consistent for both CFIA staff and members of the public employed on a short-term, temporary basis by the Agency. Additionally, development of Foreign Animal Diseases Emergency Support (FADES) Plans with provinces will also address bio-security issues. Bio-security measures being developed and implemented by industry, under CFIA guidance, will include guidance on appropriate safety precautions to be taken by all people who may potentially contact an infected premises. As the FADES plans are agreed to province by province, it will be for the relevant provincial authorities to consider CFIA technical advice, as well as that of their public health authorities, in deciding what steps should be taken to protect farm families and employees.

**The Hon. the Speaker:** Honourable senators, Senator Grafstein wishes to raise a point of order.

### POINTS OF ORDER

**Hon. Jeremiah S. Grafstein:** Honourable senators, I want to raise a matter of privilege. I sat in debate and hoped that I had misheard the Honourable Senator St. Germain. My understanding is that he referred to senators on this side by saying, "You guys are corrupt." I heard that verbally.

• (1430)

If I turn to the rules, rule 43 states:

43(1) The preservation of the privileges of the Senate is the duty of every Senator.

I will not read the entire rule, but it goes on to say that a question of privilege should be raised at the earliest opportunity.

Again, I apologize if I misheard the honourable senator. I am turning quickly to my references because I have not had adequate time to research this matter, but referring to *House of Commons Procedures and Practices* edited by Robert Marleau and Camille Montpetit, on page 522 we see the title "Reflections on the House and the Senate." I hope I am not taking this out of context, but it is a quick response. I quote —

**The Hon. the Speaker:** I am sorry to interrupt, Senator Grafstein. I do not know whether other senators have noticed, but the sound is not very good. Perhaps you could try another microphone.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Leave will have to be granted to allow the honourable senator to speak from a place other than his assigned seat.

**The Hon. the Speaker:** Let us do an experiment to see if we can hear you better at another microphone.

**Senator Grafstein:** I refer honourable senators to page 522, which states:

Disrespectful reflections on Parliament as a whole, or on the House and the Senate as component parts of Parliament are not permitted. Members of the House and the Senate are also protected by this rule.

It goes on to say:

...and it is out of order to question a Senator's integrity, honesty or character.

I know that my honourable friend is an honourable gentleman. I would hope that if, in the heat of the debate, he misspoke, he would withdraw his comment and that would be the end of this matter. Failing that, my hope is that His Honour will deal with my intervention as a question of order and a question of privilege.

**The Hon. the Speaker:** To remind honourable senators, on points of order, we come back to the person who raised the point of order as a last intervener. I hope we can restrict our interventions to one per senator. I will now see other senators and then, at the end, go back to Senator Grafstein. I normally would switch sides.

As the point of order has come from the government side, I will go to the opposition side first and then to the government side. If Senator Austin had raised the point of order, I would have seen him first as Leader of the Government, but the Leader of the Opposition is rising. I have heard a government member and I will now hear an opposition member.

**Senator Kinsella:** Honourable senators, I would like to have some clarity on whether the house is dealing with a point of order or with a question of privilege. If that issue is clarified, then I will know to which part of the procedural literature I should address myself.

**The Hon. the Speaker:** That is a fair question at this stage, without having to rule.

We have a specific procedure under our rules requiring three-hours' notice to deal with a question of privilege. Perhaps it would be helpful to refer to Beauchesne, sixth edition, page 142, section 485. Under the heading "Unparliamentary Language," it states:

Unparliamentary words may be brought to the attention of the House either by the Speaker or by any member. When the question is raised by a Member it must be as a point of order and not as a question of privilege.

Sometimes there are blurs and difficulties in knowing exactly where we are in our proceedings. I hope that this information is helpful to honourable senators.



**Senator Kinsella:** I thank His Honour for that clarification.

I do not believe that our colleague Senator Grafstein has laid out a point of order. I simply recall the attention of the house to the fact that we had a very long inquiry a few months ago on the culture of corruption, so that the term "corruption" in and by itself is hardly unparliamentary. There has been a long debate in this house on the subject matter of a culture of corruption, a debate in which many honourable senators participated. I would argue that the proposition that the term "corruption" in and of itself constitutes a breach of order is not sustainable.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, with respect to the argument that Senator Kinsella has just made, the phrase was, "You are corrupt." It was not a "culture of corruption" in Parliament, but a direct address to the members on this side with respect to our integrity.

In addition, Senator St. Germain made a personal reflection on my integrity, and I do not know whether it constitutes a point of order or a question of privilege. He questioned my integrity. I do not have the exact words, so I will not try to quote them. However, he questioned my integrity, and I am asking him to withdraw that remark.

**Hon. Gerry St. Germain:** Given the respect I have for this institution, honourable senators, I am prepared to give consideration to the request. The Leader of the Government in the Senate and minister of the Crown made reference to us as having a lynch mob mentality. That is clearly what he said. He said there was a lynch mob mentality. He attacked Senator Tkachuk and made the inference that we on this side have a lynch mob mentality. If he is prepared to withdraw that comment, I am prepared to withdraw the word "corrupt."

**Senator Austin:** Not at all, honourable senators. Political attack is one thing, but a personal attack on the integrity of a senator is quite another.

**The Hon. the Speaker:** We are discussing a point of order. A point of order is to deal with whether we are respecting the rules and whether we are within the practices of parliamentary procedure that we accept in the texts and by virtue of our rules. It is not a time for debate. I remind honourable senators that we are here to determine, and I am the determiner, whether there has been a breach of any of the rules of the Senate or any of our practices as are prescribed by our custom, which we usually do by reference to texts, as I have already done. Engaging in a back-and-forth debate is not helpful in determining whether a point of order has been raised by Senator Grafstein.

**Hon. Tommy Banks:** Honourable senators, His Honour just referred to the *Rules of the Senate*, and I would like us all to refer to rules 51, 52 and 53.

Rule 51 says that all personal, sharp or taxing speeches are forbidden. Rule 52 says that a senator considering himself or herself offended — as I do, I say parenthetically, by having been referred to in terms of "You guys are all corrupt," — in a committee room or in any of the rooms belonging to the Senate, may appeal to the Senate, which I now do, for redress. Rule 52(2) says that a senator who has used exceptionable words, meaning

words to which one might take exception, and does not explain or retract the same or offer apologies therefore to the satisfaction of the Senate, shall be dealt with as the Senate sees fit.

Honourable senators, I think it would be a good idea to refer to those three rules in respect of the present debate.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** In considering this point of order, perhaps His Honour should review Hansard from the beginning of today's sitting. Senator Tkachuk made a statement. We went to Question Period and Senator Austin attacked that statement. I would ask His Honour to read what Senator Austin said with respect to personal attacks on Senator Tkachuk.

• (1440)

**Senator Austin:** There was no personal attack on Senator Tkachuk.

**Hon. Marcel Prud'homme:** Today may be the wrong time for Senator Austin to ask Senator St. Germain to withdraw what he is perceived to have said about Senator Austin since Senator Austin cannot quote the exact word which he wants Senator St. Germain to withdraw. If he wants a general withdrawal, I am at a loss to know exactly what Senator St. Germain is being asked to withdraw.

Perhaps Senator Austin would like to put this matter over until tomorrow when we can read the offensive words that he wants Senator St. Germain to withdraw. That would be clearer than saying, to paraphrase Senator Austin, "I do not exactly know what word Senator St. Germain said." It is usually a word or an accusation that is an insult that one asks to be withdrawn. A general statement of withdrawal would not be appropriate at this time.

I hope that I have contributed to your reflections, Your Honour.

**Senator Austin:** Honourable senators, to explain to Senator Prud'homme, I am speaking of the phrase that Senator St. Germain used in referring to my integrity and its diminishment.

**The Hon. the Speaker:** No other senator rising, I will recognize Senator Grafstein for a final comment.

**Senator Grafstein:** Referring to my earlier quote from page 523 of Marleau, it is out of order to question someone's integrity, honesty or character.

Honourable senators, I have been in this house for over two decades, so I understand the heat of the moment, but, having said that, I have tried never to question the personal integrity of any senator in the heat of debate. If I have been excessive, I have withdrawn.

I hope that the Honourable Senator St. Germain will think about this again. I am not speaking of the comments made to Senator Austin, because he has to protect his own interest. It was a general comment that reflected on all senators on this side, and I hope he will think about that and withdraw.

**The Hon. the Speaker:** Honourable senators, there have been a number of interventions, for which I thank honourable senators. I will review the transcript of the subject matter of Senator Grafstein's point of order, review the authorities, and return as soon as possible with a ruling or comment, as appropriate, on the matter raised by Senator Grafstein.

**Hon. J. Michael Forrestall:** Honourable senators, I rise on another point of order. I would not want His Honour and honourable senators to leave the chamber today without the distinguished senator from Prince Edward Island being absolutely certain of the commendable comments and observations he made with respect to the founding of our nation. He is quite correct: The esteemed founding fathers did meet here in Ottawa. As most of us know, they had discussions for years. However, that group also assembled in Halifax, in the province of Nova Scotia, as I am sure everyone here understands. The decision to move to Confederation was taken in the Queen Hotel in Halifax.

Honourable senators, my point of order is simply that that was the birthplace of our nation. The meetings moved to Prince Edward Island simply because the authorities of the Queen Hotel could not stand the noise. They were sent to Prince Edward Island, where they tidied matters up. They eventually went to Quebec City, the second heart of our great nation, and put it all together.

I concur that Prince Edward Island should be recognized for its role. Most of us realize that Prince Edward Island needs all the help it can get. Over the years it has been my desire to help Prince Edward Island, but I cannot let the record stand uncorrected.

**The Hon. the Speaker:** Senator Forrestall's intervention is more in the nature of a request to correct the record than a point of order with regard to our rules. His intervention goes a long way toward addressing any differences that may exist between him and Senator Downe.

We will now proceed to Orders of the Day.

## ORDERS OF THE DAY

### STATISTICS ACT

#### BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Losier-Cool, for the third reading of Bill S-18, to amend the Statistics Act.

**Hon. Wilfred P. Moore:** Honourable senators, it is my pleasure to speak today to Bill S-18, to amend the Statistics Act.

I understand the desire of the government to pass this bill, but I also feel the need to express my thoughts and add to the debate. As we have heard, this amendment has been on the agenda since

October 27, 1998. However, activities surrounding this issue since then have not resolved the doubts raised in this chamber.

The purpose of the census is to provide an accurate picture of a country and its people at a point in time, thus the five-year frequency. The population's characteristics are analyzed. The more practical uses of a census to a country like Canada are to establish electoral boundaries and to ensure the accuracy of transfer payments.

In 1666, Jean Talon, the Governor of New France, conducted the first census this continent has known. Prior to Confederation, the governments of British North America also conducted censuses. Post-Confederation, Canada had a census every 10 years until 1956 when the frequency was changed to every five years.

There is a long tradition of conducting censuses in Canada. The essential element of that tradition is the promise of the Government of Canada that the information provided will not be given to anyone outside Statistics Canada. In other words, other than the Statistics Canada exception, the information provided will be kept secret and the right of citizens to the privacy of the information they have provided will be honoured.

This long tradition is brought into question with this amendment. The issue at hand is the public release of post-1901 census records. The census data from 1891 and 1901 was released for public use in 1983 and 1993 respectively. The 1906 census data was released in 2003. This was done because this particular census pertained to the Prairie provinces and was deemed to contain less sensitive data.

In support of that secrecy, in 1985 the Department of Justice provided a legal opinion stating that the censuses of 1911 and beyond occurred after legislative changes had been made that provide for a guarantee of confidentiality regarding the data collected.

In 1999, the Honourable John Manley appointed the Expert Panel on Access to Historical Census Records to determine what might be done to resolve this issue. The panel did not hold public meetings. Interested groups were asked to contribute of their own accord. However, 3,555 letters, faxes and emails were received by the panel over the seven months of its study, and some 95 submissions from genealogical, historical and archival associations were also received. As our colleague Senator Milne, a member of the panel, can attest, an extensive study was conducted.

After their deliberations, the panel came to the conclusion that the census records in question should be released. Its report states:

The Panel is firmly convinced of the benefits of the release of historical census records. The Panel is of the view that with the passage of time, the privacy implications of the release of the information diminishes and that the passage of 92 years is sufficient to deal with such concerns. We are persuaded that a guarantee of perpetual confidentiality was not intended to apply to the census. We believe that the indication of transfer to the National Archives also implied an intention that the census records would



eventually become public and we would not view any legislation deemed necessary to do so as a breaking of a promise to respondents. We view the historical and international precedents as fully supportive of this position. The Panel is equally convinced of the value of the census and other work of Statistics Canada and is unwilling to make any recommendation which it believes will jeopardize this work. It is for that reason that we recommend release of the pre-1918 Census records and post-2001 records on a 92-year cycle, while advising some caution regarding any legislative steps that might be thought necessary to effect the release of those census records for the period 1921 to 2001.

• (1450)

The debate should not focus upon the level of sensitivity contained in this information. Rather, the question is whether a government should be held to a higher standard, that is, once a government has given a promise to its citizens, should that promise be broken by those who come later?

We have heard that there has never been any provision restricting the release of census material. I would draw your attention to two sections of the 1918 Statistics Act:

15(1) No individual return, and no part of an individual return, made, and no answer to any question put, for the purposes of the Act, except as hereinafter set forth, shall without the previous consent in writing of the person or the owner for the time being of the undertaking in relation to which the return or answer was made or given, be published, nor, except for the purposes of a prosecution under this Act, shall any person not engaged in connection with the census be permitted to see any such individual return or any part of any individual return.

(2) No report, summary or statistics or other publication under this Act, except as aforesaid, shall contain any of the particulars comprised in any individual return, so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.

It appears to me, honourable senators, that with the inclusion of those provisions in the Statistics Act, there is a clear intent of Parliament to legislate an assurance to those filling out their census forms that the information they provide will not be shared with or divulged to anyone not dealing with the data through Statistics Canada.

Our colleague Senator Lynch-Staunton quoted commitments of confidentiality in 1918, 1948, 1971 and 1981. It is difficult to understand how these commitments made on so many occasions might be interpreted today to mean less than their clear intention. There is no mention of perpetuity specifically, but there is certainly no mention of releasing this information to the general public at any point. Erring on the side of caution is certainly the term which applies in this situation.

There were also dissenting opinions held by the Manley panel. No less than the Privacy Commissioner at the time, Mr. Bruce Phillips, stated in no uncertain terms that he opposed the release of the census information in question. The former Privacy Commissioner argued that a 1905 legislative commitment to confidentiality is the impediment to the release of the data in question. He said, "Release of the information collected through the census violates the principle that information collected for one purpose should not be used for another without consent." That is the privacy issue at stake here. How is it possible to obtain the consent of those who have passed on? It is not possible. That should be the end of the argument.

Statistics Canada also made a submission to the Manley panel which outlined a concern that the participation rate would decline if there were a drop in the level of public confidence in the agency's ability to maintain confidentiality of census returns. The panel dismissed this concern. It quoted a U.S. congressional committee which looked into the matter, and asserted that no evidence existed to connect the release of census data and diminishing census participation. However, to use that same United States as an example in assuring us that rates will not drop may be less helpful than one might think. According to Statistics Canada, 96 per cent of Canadians filled out their census forms in 1991 and 1996, compared to 63 per cent in the United States census of 1990. These numbers have to be mentioned within the context of this argument.

The issue we are dealing with is no less than the breaking of faith between the government and its citizens. We, as the current government, must uphold a promise made to the citizens of this country by another government, no matter the length of time that has passed. This notion that somehow a covenant made between citizens and their government may be struck null and void because a period of time has gone by, is a troubling precedent to be set. As Senator Plamondon mentioned, we are putting ourselves in a position where Canadian citizens will not trust us. We cannot expect them to, no matter how innocuous the effect of the proposed action is perceived to be.

In Canadian political tradition, retroactivity has never been the favoured course. It is a controversial method of dealing with issues. Those who filled out their census forms during the years in question were not of the impression that a change would be made at a later date. That the confidentiality provisions under which citizens filled out their census forms would be altered by a future government, was not expressed to them either in legislation at the time or at the door.

The complete turn around proposed by this amendment is alarming. We should take more care in considering what the effects of our actions might be. Hence, the history in Canada to shy away from the use of retroactive legislation. As Senator Plamondon mentioned, we are looked at as being one of the higher-ranked countries in the world. Our society is based on the rule of law, and the stability of that law. That stability has not been gained and recognized by a practice of retroactive legislation. Changing these rules mid-stream detracts from this solid international reputation and erodes a tradition we have established domestically, which has served our society so well.

It is the belief of those attempting to rescind this promise — a promise to my mind which was made in no uncertain terms in the Statistics Act of 1918 — that doing so would not compromise any of those involved. I would submit that there is a very real danger of compromising both parties involved. The first is the citizens to whom the commitment was made, the commitment being the promise to maintain the secrecy of participation in a government census. A census in which the same citizens are compelled to partake, would be torn apart. That promise would be broken.

Second, the government of this country would also be compromised. At the heart of the relationship between the people and the government is trust — trust that the government will treat its citizens equally and honestly, and that once a government has made a commitment to its citizens, that commitment will be upheld. This is not a matter of taxation. It is not a matter of changing circumstances. The circumstance of change can have no effect on this commitment. I ask you: How could the passing of 92 years make the breaking of a promise made a justifiable act?

Let me quote the Honourable David Emerson, Minister of Industry and responsible for Statistics Canada, from the department's press release dated November 2, 2004 upon introduction of this bill: He said:

Informed consent about the use of one's own personal information is a matter of fundamental privacy protection. Canadians should have the right to decide for themselves if they want their personal census records to be made publicly available in the future...

There is no argument about the active consent provision in this bill. It is an admirable feature of this amendment. Allowing Canadians to choose whether their census information will be released publicly after 92 years is fair and well conceived.

• (1500)

The message from the minister speaks of fundamental rights of privacy, allowing Canadians to choose for themselves on this issue. There is the mention of a fundamental right to privacy again. Who qualifies for this right? Did we put a prerequisite of being alive as the key qualification?

What is it about our particular generation which makes us believe we possess the wisdom that somehow eluded the governments that came before us? Do we honestly believe that these governments did not weigh carefully what the issues involved were, that their commitment to the privacy of the citizens of the day was somehow less serious than our commitment? I do not believe so. Moreover, is the minister's statement in support of privacy protection any less applicable or meaningful today than in the past? I do not think so.

What of those who filled out their census forms from 1906 onward? Who will speak for them? Their voices are silent. It is impossible for them to express their position. I believe that, so long as these Canadians took part under the belief that their privacy rights would be protected, so long as their personal

information was entrusted to a government which made a promise to these citizens of Canada to maintain the secrecy of this information, we have no right to speak contrarily for them or the government that made that commitment.

I understand that some 77,000 Canadians alive today will be directly affected by the passage of this bill and the proposed release of census records from 1906 and 1911. I assume that they will be consulted if and when their census information is released, or will this bill simply allow for the public release of census data without notice to them and their prior consent having been obtained? That is a very serious question.

Will we be left with a situation where the Government of Canada will force these citizens to take some legal action against their own government in order to have their census data kept private? What about the anxiety this would cause for those surviving elderly citizens and their families, and for the families of deceased census participants? Who will pay the legal bills that they might be forced to incur? I am sure that these respondents who would be affected by this legislation would like to know, and indeed have a right to know.

**The Hon. the Speaker *pro tempore*:** Honourable Senator Moore, your time has expired. Are you asking leave to continue your presentation?

**Senator Moore:** I would request leave to continue, please.

**Senator Rompkey:** Our usual practice is five minutes.

**Hon. Senators:** Agreed.

**Senator Moore:** I will be finished within that time, honourable senators.

Another legal opinion states that, due to the lack of specificity regarding the length of time these documents would be kept secret, combined with the act of transferring this data to the National Archives, the justification is provided for the release of these records to the public. I have read the debates involved and I understand there is no specific mention of perpetuity. However, I also notice there is specific mention of not sharing this information with a party not involved with gathering data and the census, and that this information would not be released to the public. This seems a clearer message than attempting to second-guess the intentions of the government that passed the original legislation.

Honourable senators, at the heart of this matter is the need to maintain the high standard of trust between a government and its citizens. The argument that there comes a point in this relationship when, due to the passage of time, a promise made by a government can be broken can lead to a setting of a very dangerous precedent.

We, honourable senators, are entrusted by the people of Canada to defend the rights of all citizens of this country. It is my contention that this also includes those who have gone before us. If we break faith with our forefathers and foremothers, what does this say of us and of the trust placed by them in us?



The matter of releasing these census records has been portrayed as innocuous. We are being told that there is a point where the combination of the level of sensitivity of the data involved, plus the passage of time — 92 years — results in the removal of any privacy issue. This is the point where we as legislators must be very careful. Is it the data itself which should be the focus of the debate, or is it the quality of our stewardship of that data? We must realize that this legislation necessitates the breaking of an agreement made between our great grandparents, grandparents or parents and the government of the day. I do not think that is wise, nor do I think it is within the scope of our power or mandate.

I ask you to remember who you are, the office you hold and your role as upholder of the rights of Canadians. If the decision is made to overturn this agreement, then let us at least be aware of the severe implications of such an act, and let us realize we can expect no more from those who will sit in this chamber after us.

**Hon. Gerald J. Comeau:** Would the senator entertain two very brief questions?

**Senator Moore:** Yes.

**Senator Comeau:** Is the senator aware that, in an application for the release of historical census records, the Federal Court, in 2004, ruled that the care and control of the 1911 census, and subsequent censuses of course, rests with the Chief Statistician and therefore any move to release the census would require legislation? In other words, up until that point the argument had been made that the Chief Statistician did not have an obligation to keep the data but that, in fact, the Federal Court did rule that he was the custodian of the record.

My second question relates to the fact that an argument has been made that the census records provide extremely valuable information in order to trace one's health ancestry; in other words to try to identify diseases or medical problems that might be in the family. Therefore, it would be valuable to get all of this information on the record so that people can research their family medical backgrounds. However, that is in fact a double-edged sword. If individuals are allowed to investigate their medical background, be it mental or physical, insurance companies will be allowed to do exactly the same thing. If the insurance companies start digging around in our health history it could impact on the kind of insurance that we could obtain.

**Senator Moore:** I will attempt to answer those questions.

With regard to the first question, I was not aware of the ruling in that Federal Court decision, but it is clear to me that it is consistent with the provisions in the Statistics Act of 1918. There has been nothing put on the legislative books contrary to the provision of that law.

The honourable senator mentioned the possibility of others using this personal information for personal gain. All of that simply points out the absolute need to maintain the secrecy. There is a situation going on now in the United States — and this was reported in the *Montreal Gazette* on April 9 — where such information is being gleaned from government records by the Mormon Church with regard to Jewish citizens in the United

States. That church is conducting proxy baptisms of those good people who are deceased who were victims of the various concentration camps. That is an extreme situation, but that is what could happen.

On motion of Senator Lynch-Staunton, debate adjourned.

• (1510)

## PATENT ACT

### BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill C-29, to amend the Patent Act, with amendments) presented in the Senate on April 12, 2005.

**Hon. Jeremiah S. Grafstein** moved the adoption of the report.

He said: Yesterday, honourable senators, I had the honour of presenting the eight report of the Standing Senate Committee on Banking, Trade and Commerce that deals with Bill C-29, to amend the Patent Act. During the committee's study of this bill, it became apparent that two serious technical amendments were required to remedy a drafting error that had occurred in previous legislation. Pursuant to rule 99, I will now provide a brief explanation of the committee's amendments.

The first amendment would add four schedules to the Patent Act, as was originally intended in An Act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa), being chapter 23 of the Statutes of Canada 2004. As previously stated, the purpose of this amendment is to remedy a drafting error that occurred in a previous legislation and ensure that the schedules are now part of the Patent Act.

This amendment relates to that part of the Patent Act that deals with the use of patents for international humanitarian purposes to address public health concerns. This part provides the framework for how this is to be accomplished. The schedules are an integral part of this framework, and the amendments ensure that they are now legally part of the Patent Act.

The second amendment deals with the coming into force of the respective clauses in Bill C-29. The two clauses that relate to Ann Act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa) would come into force when that act itself comes into force.

The other clause, dealing with patent fees in order to provide relief to patent holders and applicants affected by the 2003 decision of the Federal Court of Appeal in *Dutch Industries Ltd. v. The Commissioner of Patents, Barton No-Till Disk Inc. and Flexi-Coil Ltd.*, would have come into force on a day to be fixed by order of the Governor in Council.

Honourable senators, these amendments are technical in nature and are intended to ensure that an initiative that is supported by all parties, which it was in committee, can be implemented as planned. I would urge all senators to support these amendments so that the bill can be returned quickly to the other place.

**The Hon. the Speaker:** With no senator rising to speak, are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

### THIRD READING

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

**Hon. Jeremiah S. Grafstein:** Now.

**The Hon. the Speaker:** Is there any debate?

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Is there a particular urgency to this bill? Could it not wait until the next sitting of the Senate? Is this a normal procedure?

**Senator Grafstein:** It could, honourable senators. In light of what is going on in the other place, it strikes me that it might be appropriate to move this bill forward as quickly as possible. The rationale for this bill is the humanitarian aid that is desperately needed in Africa. It is appropriate that we move as quickly as possible.

There was a technical glitch. The remedy has been approved by all parties. It has been approved by the committee unanimously. There were technical objections, but I see no reason why the bill should not proceed.

**Senator Stratton:** In extenuating circumstances, we on this side always try to cooperate. However, we are surmising what will happen in the other place. For that reason, I would ask that the bill be given third reading tomorrow. There must be exceptional circumstances whereby the normal procedures of this place cannot take place.

**The Hon. the Speaker:** Leave is not granted.

On motion of Senator Grafstein, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### QUARANTINE BILL

#### REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill C-12, to prevent the introduction and spread of communicable diseases, with amendments) presented in the Senate on April 12, 2005.

**Hon. Wilbert J. Keon:** Honourable senators, I move the adoption of the report.

**The Hon. the Speaker:** Do you wish to speak, Senator Keon?

**Senator Keon:** No.

[Translation]

**Hon. Lucie Pépin:** Honourable senators, during the clause-by-clause study of Bill C-12, on March 23, I proposed some amendments to the bill. By mistake, the French version of one of the proposed amendments omitted a change required in the English version of the bill. I therefore propose correcting this omission with the following motion.

### MOTION IN AMENDMENT

**Hon. Lucie Pépin:** Honourable senators, I move, seconded by Senator Keon:

That the Eleventh Report of the Standing Senate Committee on Social Affairs, Science and Technology be not now adopted but that it be amended at amendment No. 2, by adding after the words "clause 62.2:" the following:

"(a) replace, in the English version, line 15 with the following:

[English]

"being laid before each House of Parliament if the"; and

(b)".

**The Hon. the Speaker:** No senator rising, are honourable senators ready for the question on the amendment?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** We are now on the report on the bill, as amended. Does anyone wish to speak?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion, as amended?

Motion agreed to and report adopted.

### THIRD READING

**The Hon. the Speaker:** Honourable senators, when shall this bill, as amended, be read the third time?

On motion of Senator Keon, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.



• (1520)

[Translation]

### CRIMINAL CODE

#### BILL TO AMEND—REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-11, to amend the Criminal Code (lottery schemes), with amendments and observations) presented to the Senate on April 12, 2005.—(*Honourable Lise Bacon*)

**Hon. Lise Bacon:** Honourable senators, I move the adoption of the report.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

[English]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Is the Honourable Senator Bacon speaking today?

**Senator Bacon:** Yes.

[Translation]

**Senator Bacon:** Honourable senators, the sixth report of the Standing Senate Committee on Legal and Constitutional Affairs recommends various amendments to Bill S-11. This bill amends provisions of the Criminal Code relating to the use of video lottery terminals. The bill also seeks to limit the locations at which VLTs can be installed to racetracks, casinos and premises dedicated to gaming. At present, every province except Ontario and British Columbia, and one territory, the Yukon, allows VLTs in bars and other locations.

Bill S-11, sponsored by Senator Lapointe, would terminate this practice. After having heard from numerous witnesses, the members of your committee reached the following conclusion, on division — because one member of the committee disagreed: we find the objective of the bill to be legitimate and the advantages of the proposed measures outweigh the disadvantages associated with their implementation. Therefore, your committee has decided to report the bill back to this chamber with amendments to minimize the problems associated with its implementation.

First, we made technical amendments, which in no way reduce the scope of the bill and which avoid any confusion. We made the first clause clearer, in response to comments from the Department of Justice. The bill no longer refers to a game, proposal, scheme, means, device, contrivance or operation, but simply games operated on or through a video lottery terminal or slot machine. The purpose of the bill is in no way altered by these purely technical amendments.

Clause two of the bill is replaced by a different provision. The bill was to come into force 180 days after receiving royal assent. Under the amendment adopted by the committee, the bill will come into force on a date fixed by order in council no later than three years after receiving royal assent.

The Government of Canada must, moreover, offer provincial and territorial governments the opportunity to take part in consultations on implementation of this legislation. This precaution is an important one, because we are dealing with two federal-provincial agreements, one in 1979 and one in 1985, setting out Canadian policy on gambling. Bill S-11 deviates from those agreements but, given the federal Parliament's full jurisdiction over the Criminal Code, we have the constitutional legitimacy to proceed. In order to avoid any sudden changes or surprises, however, consultation of the provinces and territories seems unavoidable.

As you are no doubt aware, the 1999 Social Union Framework Agreement set out in its fourth component that, when a major change in policy would substantially affect another government, the governments agree to give one another advance notice and to consult prior to implementation. These are, therefore, the reasons the committee accepted the suggested amendments.

We are of the opinion that a period of three years allows sufficient time for consultations between governments and that, should there be a desire to proceed more quickly, the coming into force can take place on a date set by order in council.

We felt it was appropriate to append to the report some observations dealing mainly with the frame of mind of the committee at the time it studied the matter. The majority of the members felt that the major social damage and psychological distress caused to too many Canadians by VLTs outweighed any other aspects. The majority of stakeholders who appeared before the committee indicated that the harmful effects of VLTs far outweighed the potential benefits.

On motion of Senator Stratton, for Senator Eyton, debate adjourned.

[English]

### BUDGET 2005

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 23, 2005.—(*Honourable Senator Di Nino*)

**Hon. Consiglio Di Nino:** Honourable senators, I am pleased to join the debate on Senator Kinsella's motion on the budget brought down by the Minister of Finance on February 23.

The budget lays out an ambitious program for spending growth, with outlays on various programs expected to climb by \$36 billion over the next five years, fuelled by a \$42-billion revenue surge. Despite a modest tax cut, the government expects that in 2009 it will collect 35 per cent more from personal income taxes than it did last year. Revenues from personal income taxes are rising faster than any other revenue category.

With such a revenue windfall, are Canadians to believe that a tax cut of \$16 per month, 53 cents a day, which today will not even buy a cup of coffee, is the best tax relief this government can deliver?

The second fastest-growing revenue category is the GST, where net collections are expected to grow by \$8 billion, some 27 per cent over the next five years. Did I say the GST? Did not the Liberals promise to scrap it?

Honourable senators, of all the measures undertaken by the former Progressive Conservative government, the GST was perhaps the most controversial, and the Liberals wanted nothing to do with it. Jean Chrétien said that he would replace it with a fairer system that generated equivalent revenue within two years. He was going to axe the tax. Paul Martin, as a candidate for the leadership of his party, promised to scrap it. However, they soon found that making such a promise was a lot easier than honouring it — that is a familiar story — and that the GST actually made a lot of sense. The GST replaced the former hidden federal sales tax, also widely referred to as the manufacturer's sales tax, which was overly complex and full of flaws that made it a drag on the economy and made our exports uncompetitive. Replacing the FST with the GST cut the cost of capital investment and eliminated the biases against goods made in Canada, which not only helped to make Canada more competitive but also made the revenue base more stable. I suspect the Liberals knew all of this very well but to win an election, they told Canadians otherwise.

• (1530)

I will provide honourable senators with examples of their opposition to the GST. At the time, in the other place, future senators, Callbeck, Harb, Maheu, Robichaud and Rompkey all spoke against the GST. In the Senate on November 29, 1990, Senator Corbin stood and said: "The GST is just an act of panic, highway robbery, and digging deep into the pockets of Canadian taxpayers." Senator Kirby spoke at great length to argue that the GST was unfair to low-income earners, unfair to Atlantic Canada and said: "There are alternative ways of doing what needs to be done in terms of eliminating the MST and raising the revenue." We are still waiting for Senator Kirby's alternatives. Senator Watt said that the GST would hurt the North. Senator Grafstein said he could not agree with the evidence presented in support of the GST. Senators Austin and Kenny tabled petitions to hold up debate. Senator Fairbairn was deeply concerned that the GST should not apply to books. She told the Senate on October 30, 1990, that the GST: "...will introduce punitive taxation on materials fundamental to our future progress, materials that must be made more accessible rather than less accessible." She went on and said: "The GST, applied without relief to Canadian cultural products, including printed materials, may well make them so inaccessible that Canadians once again may lose sight of their own creative expression." Senator Fairbairn was speaking to a Liberal amendment to the proposed GST legislation that sought to add an exemption to reading materials. Why then did she and the rest of her colleagues vote against Bill S-10, which proposed to do what they had called for? Why did senators on the other side vote against Senator Oliver's proposed amendment to Bill C-70,

the proposed GST harmonization legislation that sought to exempt books from the harmonized sales tax or HST? A 7 per cent tax on books was too much when the Liberals were in opposition, but they had no problem with a 15 per cent harmonized tax.

Honourable senators, the design of the GST included a broad base but with exemptions for many key items including groceries, rent, health and education. As well, universities, schools and libraries were exempted from charging GST on their services. Also included was a tax credit for lower income Canadians, providing them with more resources to pay for such things as books. However, the door was left open for the GST to be changed at a future date. Senator Fairbairn acknowledged this, in the same GST debate I mentioned a minute ago, when she quoted then Prime Minister Mulroney: "When the tax has been applied across the board for a while the government will want to look at its impact, perhaps review it, and revise it later after it has been in place." The former government made it clear that it would monitor the impact of the GST in a number of areas, including reading materials.

Literacy is a serious problem in Canada, especially among lower income Canadians. During the committee hearings on the bill to remove the GST from reading materials, we were repeatedly told by eminent Canadians, students, book retailers, publishers, librarians and many others, who formed the Don't Tax Reading Coalition, that this part of the GST is very destructive to literacy in Canada. Yet, our colleagues opposite all voted against the later bills.

Removing the GST from reading materials would be of great help to students who face ever increasing student costs, and it is unfortunate that the government has once again missed an opportunity to keep one of their promises. Perhaps it is time to introduce a bill to exempt reading materials from the GST, and maybe this time senators opposite will support it. Senator Fairbairn, a respected champion of literacy, well knows that the presence of reading materials in the home is critical to children's intellectual development. This area needs change because the Liberals forgot everything they believed in when they sat in opposition.

Sales tax reform was but one of several measures taken to make Canada a more dynamic and competitive place to do business. In 1980 the Liberals introduced the National Energy Program and, in the process, poisoned the relationship between East and West and brought energy development and the economy of Western Canada to a standstill. Senator Carney, then Minister of Energy in the first term of the Conservative government, dismantled the NEP, one of the many measures taken to restore investor confidence.

It is not hard to understand why many in Western Canada viewed the Kyoto Protocol with alarm, given they went down a similar road one-quarter century ago. The budget offers no real plan to meet the government's Kyoto objectives, yet devotes an entire chapter to a discussion called "A Framework for Evaluation of Environmental Tax Proposals." We should ask Mr. Dithers if there will be a carbon tax.



The Liberals also created a Foreign Investment Review Agency, erecting barriers to foreign investment in Canada that prevented the creation of new jobs and opportunities. The previous government brought down those barriers by turning FIRA into Investment Canada, an agency charged with encouraging foreign investment; and it worked. Our corporate tax system was not competitive before the budget and, after taking into account everything from depreciation rules to provincial sales tax on business inputs, it is still uncompetitive. This budget does little to help Canadian business. We need to do more to encourage Canadians to invest in Canada and then, hopefully, the recent news that Canadians have directly invested some \$88 billion in offshore tax havens will serve as a wake-up call for this government. We are a trading nation that relies upon secure access to markets. Senator Kelleher and Senator Carney both played key roles in bringing about the Free Trade Agreement with the United States. The same folks who battled the GST did the same with the FTA, as they fought many of the same policies that they now embrace. Most of the criticism of the Canada-U.S. Free Trade Agreement, and later NAFTA, proved to be false. The border has not been erased. There has been no massive outsourcing of jobs to Mexico and, indeed, some Americans complain that jobs are outsourced to Canada. If Medicare is in jeopardy, it is because of Prime Minister Paul Martin's cuts to health care and not because of NAFTA. Canadian culture is as alive as ever. The Great Lakes have not been drained to provide water to thirsty Americans. Instead of withering on the vine, what is now an award-winning Canadian wine industry has adapted and is thriving. We are as sovereign as ever. NAFTA has resulted in an enormous increase in our trade with the United States and Mexico, and most decisions in disputes have been in our favour. Yes, we still have problems with BSE and softwood lumber, but more than 80 per cent of our trade is "friction free," and, thank God, I do not hear any of my friends opposite calling to tear up NAFTA. Yet, when you analyze this budget, you find that precious little is being directed towards strengthening our export ability.

Honourable senators, to their credit, the Liberals have kept many of the policies of the former government, which have helped to generate the economic growth that, in turn, has generated a rapid rise in government revenues.

When it introduced the GST, the Progressive Conservative government promised Canadians that this tax would only be used to service and reduce the debt. Paul Martin and Jean Chrétien said that they would get rid of it instead. They did not get rid of it. It is still here, it raises almost twice what it raised in 1993, and it still applies. By 2010 it will raise \$8 billion more than it raised this year and will generate \$23 billion more than it raised when the Liberals were elected.

In his pre-budget inquiry, Senator Kinsella suggested that the government plan its budget with a view to directing two-sevenths of the net GST revenue to debt reduction. That would total about \$9 billion per year. There must be a more rapid reduction in the level of government debt if Canada is to have the fiscal flexibility that will be essential to meet the needs of an aging population in the years ahead.

Honourable senators, this government is reaping the benefits of the efforts of the previous Progressive Conservative government's introduction of the GST and the negotiation of the FTA and NAFTA. The enormous increase in revenue has provided an opportunity for this government to introduce a tax break to help those many Canadians who are struggling with the everyday cost of living. It has presented them with an opportunity to help those students whose education costs keep skyrocketing. It has given them an occasion to reduce the debt, which is a mortgage on all of our grandchildren's future. It has offered them the chance to keep their promise to eliminate the GST on reading materials. Yet, they did none of these. So much for caring about the average Canadian. A real opportunity missed, is the way I would describe this year's budget.

On motion of Senator LeBreton, debate adjourned.

• (1540)

## THE SENATE

### MOTION TO AMEND RULE 32— SPEAKING IN THE SENATE—DEBATE ADJOURNED

**Hon. Eymard G. Corbin**, pursuant to notice of February 24, 2005, moved:

That the *Rules of the Senate* be amended by replacing rule 32 with the following:

"32. (1) A Senator desiring to speak in the Senate shall rise in the place where that Senator normally sits and address the rest of the Senators.

(2) Any Senator who speaks in the Senate shall do so in one of the official languages.

(3) Notwithstanding subsection (2), a Senator desiring to address the Senate in Inuktitut shall so inform the Clerk of the Senate at least four hours before the start of that sitting of the Senate.

(4) The Clerk of the Senate shall make the necessary arrangements to provide interpretation of remarks made in Inuktitut into the two official languages.

(5) Remarks made in Inuktitut shall be published in the *Debates of the Senate* in the two official languages, with a note in the *Journals of the Senate* explaining that they were delivered in Inuktitut."

He said: Honourable senators, even though our colleagues Senator Watt, Senator Adams and Senator Sibbeston are absent today, I have decided to proceed with this motion at this time.

I should like to begin by apologizing to my colleagues who sought dispensation of the reading of the motion, but I thought it would be useful for the chamber to be acquainted with the purpose I am trying to achieve. That would have dispensed me from reading it myself. Honourable senators will find the text of that motion on page 11 of today's Order Paper.

The operative paragraphs of the motion are to change the rules. The changes to the *Rules of the Senate* contained in this amendment are in paragraphs 3, 4, and 5. Those are the operative paragraphs, that is, what I am seeking to accomplish.

It has been my intention to proceed with this motion for many years, and I have had numerous discussions with our colleagues who represent the great North of this country, namely, Senator Watt and Senator Adams. Earlier I mentioned Senator Sibbeston's name because he comes from an area of this country where they have not only two official languages. I forget the precise number, but their assembly is conducted in seven or eight official languages.

You have all been witnesses, honourable senators, to the fact that Senator Adams, on a number of occasions, rose in this house and did indeed speak in Inuktitut. His colleague sitting next to him, Senator Watt, translated Senator Adams' remarks into English, and then the interpretation system of the Senate translated the English into French. In my opinion, that is a cumbersome way of proceeding.

We are talking about the language of one of the peoples who first occupied and still occupy this land called Canada. I have always been impressed that the first missionaries to enter into those vast northern spaces imposed upon themselves the discipline of learning the language of the people of the land. They did not immediately impose French or English or any other language on these people. They took it upon themselves to learn the language of the people they presumably wanted to bring into Christianity. In the very early days of the French regime, the same also occurred, whether it was Champlain, Frontenac or La Tour. They did not impose their language on the native inhabitants of this country. They learned their language. They signed treaties with them. They negotiated treaties with them in terms that the native people could understand.

I believe that Inuktitut is a world treasure that deserves to be preserved. Many languages have already been lost in innumerable countries across the world, and the phenomenon continues today.

Surely, if an Inuit senator is called to this chamber, he is expected to make a contribution to the chamber and represent the people of his territory, the land he lives on, the customs and culture of this people, and how best to do that than to use his or her own language? That is what this is all about. I have had occasion to speak many times with Senator Watt, who is very fluent in Inuktitut, as you all know. He tells me that it is extremely difficult for him to speak English in this place, and we know Senator Adams has even greater difficulty. In a sense, they are deprived of the fluency of their thoughts, their emotions and their beliefs in bringing to the attention to the rest of us their preoccupation.

The purpose of this motion is simple. There may be even simpler ways of going about what I am trying to do, which is to allow those people to express themselves in their mother tongue. We owe them that basic decency. If nothing else, it is a matter of basic decency. They are called to this place. They can best express themselves and communicate in their native language, and I think we ought to provide the facilities for them to do just that. After all, we have occasionally provided facilities to senators who were

unable to hear or who could not express themselves. I will not cite those incidents, but it has happened. As we have provided tools for those of us who speak either French or English, I think that we owe it to our northern colleagues to be even more expedient in providing them with the tools they need to do a proper job in this place.

• (1550)

I know that Senators Watt, Adams and Sibbeston will want to speak to this motion. I am not trying to pressure anyone into adopting this proposal blindly or hurriedly. If the only effect of my thoughts is to foster further reflection, that would be progress indeed. However, I should like colleagues on both sides of the house to give this matter serious thought. It would enhance the quality of the exchanges in this house. Again, I do not want to single out any one of my colleagues, but I am sure all honourable senators have had their own personal experiences with regard to what I am talking about.

Honourable senators, the motion is on the table. I know that other senators wish to speak to it. I apologize that I am moving ahead with this today in the absence of Senators Watt, Adams and Sibbeston, but I am sure they will understand that I cannot in good conscience hold back any longer, and I would like this matter to proceed in whichever way the Senate decides it should.

**Hon. Jack Austin (Leader of the Government):** May I ask Senator Corbin a question?

**Senator Corbin:** Certainly.

**Senator Austin:** Is this proposal intended to apply to a senator who is fluent in neither of our official languages, or to a senator who is fluent in a third language of Canada and wishes to speak in that language?

**Senator Corbin:** I believe that the gist of Senator Austin's question is whether, if we were to proceed in this instance, we would also proceed in other instances with respect to Canadian native languages. I am not talking about adding European languages to the scroll. I am only attempting to recognize, in a basic, decent way, the Aboriginal right of senators who come to this place to express themselves in their mother tongue.

I could have added that I have discussed this matter in the past with the late Senator Twinn and my very good friend the retired Senator Marchand. I asked them if their people would want to enjoy the advantage that I am proposing with respect to Inuktitut. They said that most of their people express themselves in English and French and feel comfortable with it. In addition, there would be a difficulty because the idiom varies tremendously from one coast to the other, and it would be problematic to attempt to satisfy all those needs.

That is why I have concentrated on Inuktitut. It is special. I do not deny that other languages deserve to be preserved. Of course they do. However, if we do not take an initial step, how can we build? I simply suggest that we recognize what I think was an oversight of the Beaudoin-Dobbie commission. They did consider this matter, but they made no specific recommendations. That is where the matter stands today.



**Senator Austin:** Senator Corbin referred to Senator Adams and Senator Watt. That raised in my mind the question of whether he is trying to ameliorate the situation of a particular senator. He later spoke about the desirability of preserving native languages, so I am not sure how far he wants to extend this particular objective.

I did not refer to languages outside Canada and am not asking about them. Is the purpose of this motion to open the door to allowing Aboriginal peoples who become senators to speak in their particular language, or does it deal only with the circumstances of one senator?

**Senator Corbin:** In this instance, I am speaking about two senators, and perhaps a third will raise arguments and stimulate debate later. I have an open mind with respect to the recognition and respect due to Canadian Aboriginal native languages. If at some future date the Prime Minister of the day, or the electorate, for that matter, wishes to send to this place a member of a First Nation who is fluent in and wishes to use his or her mother tongue, why not allow that? The Senate could set a valuable example and foster openness to other cultures.

We say so often that Canada embraces all cultures, that we have opened our doors to immigration and what have you. Let us not forget the first inhabitants of this country. We have pushed them aside and crushed their rights for too long. That is what this is all about. It is coming too late, as far as I am concerned, but there is always the first step. I think we could constructively build on this initiative, if we set our minds and hearts to it with goodwill.

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, I would like to support Senator Corbin's motion, but I move that the debate be adjourned to the next sitting of the Senate.

On motion of Senator Robichaud, debate adjourned.

## LEGAL AND CONSTITUTIONAL AFFAIRS

### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF BILINGUAL STATUS OF THE CITY OF OTTAWA

**Hon. Lise Bacon,** pursuant to notice of April 12, 2005, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, December 2, 2004, the date for the presentation of the final report of the Standing Senate Committee on Legal and Constitutional Affairs on the petitions tabled during the Third Session of the Thirty-seventh Parliament, calling on the Senate to declare the City of Ottawa a bilingual city and to consider the merits of amending section 16 of the Constitution Act, 1867, be extended from April 30, 2005, to October 27, 2005.

Motion agreed to.

[English]

**The Hon. the Speaker:** Time has overtaken the adjournment motion.

It being four o'clock, pursuant to the order adopted on November 2, 2004, I declare the Senate adjourned.

The Senate adjourned until Thursday, April 14, 2005, at 1:30 p.m.

# CONTENTS

Wednesday, April 13, 2005

	PAGE		PAGE
<b>Visitors in the Gallery</b>		<b>Fisheries and Oceans</b>	
Hon. the Speaker . . . . .	1016	Meeting of Deputy Ministers to Discuss Agenda for Upcoming Ministers Meeting—Disagreement with P.E.I. Representatives.	
		Hon. Gerald J. Comeau . . . . .	1021
		Hon. Jack Austin . . . . .	1021
<b>SENATORS' STATEMENTS</b>		<b>Canada-United States Relations</b>	
<b>National Volunteer Week</b>		International Joint Commission—Manitoba—	
Hon. Terry M. Mercer . . . . .	1016	Effect of Opening of Devil's Lake Outlet in North Dakota.	
<b>The Late Pope John Paul II</b>		Hon. Janis G. Johnson . . . . .	1021
Tribute.		Hon. Jack Austin . . . . .	1021
Hon. John Buchanan . . . . .	1016	Hon. Pat Carney . . . . .	1022
<b>World Health Day</b>		<b>Public Works and Government Services</b>	
Hon. Rose-Marie Losier-Cool . . . . .	1017	Sponsorship Program—Involvement of Ministers.	
<b>Budget 2005</b>		Hon. Marcel Prud'homme . . . . .	1023
Inquiry—Comment in Speech by Senator Tkachuk.		Hon. Jack Austin . . . . .	1023
Hon. David Tkachuk . . . . .	1017	<b>Justice</b>	
<b>Prince Edward Island</b>		Air India Bombing—Judicial Inquiry into Investigation.	
Charlottetown—One Hundred Fiftieth Anniversary.		Hon. A. Raynell Andreychuk . . . . .	1023
Hon. Percy Downe . . . . .	1018	Hon. Jack Austin . . . . .	1023
		<b>Delayed Answers to Oral Questions</b>	
		Hon. Bill Rompkey . . . . .	1023
<b>ROUTINE PROCEEDINGS</b>		<b>Royal Canadian Mounted Police</b>	
<b>Interim Committee of Parliamentarians on National Security</b>		Closure of Edmonton Forensic Laboratory.	
News Release and Backgrounder to Report Tabled.		Question by Senator Comeau.	
Hon. Bill Rompkey . . . . .	1018	Hon. Bill Rompkey (Delayed Answer) . . . . .	1023
<b>Parliament of Canada Act</b>		<b>Justice</b>	
Statistics Act (Bill C-30)		Criminal Activity in Mortgage Fraud and Identity Theft.	
Bill to Amend—First Reading.		Question by Senator Atkins.	
Hon. Bill Rompkey . . . . .	1019	Hon. Bill Rompkey (Delayed Answer) . . . . .	1024
<b>Canada-Japan Interparliamentary Group</b>		<b>Health</b>	
Eleventh Asia-Pacific Parliamentarians' Conference on Environment and Development, August 17-20, 2004—Report Tabled.		Canadian Food Inspection Agency—British Columbia Avian Flu Outbreak—Jurisdictional Problems.	
Hon. Marie-P. Poulin . . . . .	1019	Question by Senator Carney.	
<b>OEAN Interparliamentary Organization—Twenty-fifth General Assembly, September 12-17, 2004—Report Tabled.</b>		Hon. Bill Rompkey (Delayed Answer) . . . . .	1024
Hon. Marie-P. Poulin . . . . .	1019	<b>Points of Order</b>	
<b>Special Affairs, Science and Technology</b>		Hon. Jeremiah S. Grafstein . . . . .	1025
Notice of Motion to Authorize Committee to Meet During Adjournment of the Senate.		Hon. Noël A. Kinsella . . . . .	1025
Hon. Michael Kirby . . . . .	1019	Hon. Jack Austin . . . . .	1026
		Hon. Gerry St. Germain . . . . .	1026
		Hon. Tommy Banks . . . . .	1026
		Hon. Terry Stratton . . . . .	1026
		Hon. Marcel Prud'homme . . . . .	1026
		Hon. J. Michael Forrestall . . . . .	1027
<b>QUESTION PERIOD</b>		<b>ORDERS OF THE DAY</b>	
<b>Justice</b>		<b>Statistics Act (Bill S-18)</b>	
Freedom of Religion—Alberta Human Rights Commission—Same-sex Marriage—Advocacy of Coercive Power.		Bill to Amend—Third Reading—Debate Continued.	
Hon. Gerry St. Germain . . . . .	1019	Hon. Wilfred P. Moore . . . . .	1027
Hon. Jack Austin . . . . .	1019	Hon. Gerald J. Comeau . . . . .	1030
Hon. Jeremiah S. Grafstein . . . . .	1019	<b>Patent Act (Bill C-29)</b>	
<b>Citizenship and Immigration</b>		Bill to Amend—Report of Committee Adopted.	
Delay in Foreign Credential Recognition Process.		Hon. Jeremiah S. Grafstein . . . . .	1030
Hon. Consiglio Di Nino . . . . .	1020		
Hon. Jack Austin . . . . .	1020		



	PAGE
Third Reading.	
Hon. Jeremiah S. Grafstein . . . . .	1031
Hon. Terry Stratton . . . . .	1031
<b>Quarantine Bill (Bill C-12)</b>	
Report of Committee Adopted.	
Hon. Wilbert J. Keon . . . . .	1031
Hon. Lucie Pépin . . . . .	1031
Motion in Amendment.	
Hon. Lucie Pépin . . . . .	1031
Third Reading . . . . .	1031
<b>Criminal Code (Bill S-11)</b>	
Bill to Amend—Report of Committee—Debate Adjourned.	
Hon. Lise Bacon . . . . .	1032
Hon. Terry Stratton . . . . .	1032

	PAGE
<b>Budget 2005</b>	
Inquiry—Debate Continued.	
Hon. Consiglio Di Nino . . . . .	1032
<b>The Senate</b>	
Motion to Amend Rule 32—Speaking in the Senate—	
Debate Adjourned.	
Hon. Eymard G. Corbin . . . . .	1034
Hon. Jack Austin . . . . .	1035
Hon. Fernand Robichaud . . . . .	1036
<b>Legal and Constitutional Affairs</b>	
Committee Authorized to Extend Date of Final Report on	
Study of Bilingual Status of the City of Ottawa.	
Hon. Lise Bacon . . . . .	1036







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CANADA

# Debates of the Senate

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38th PARLIAMENT

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VOLUME 142

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OFFICIAL REPORT  
(HANSARD)

Thursday, April 14, 2005

—

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

## OFFICIAL REPORT

### CORRECTION

**Hon. Eymard G. Corbin:** Honourable senators, I seek consent to correct an error in Hansard relating to my remarks yesterday in the Senate as they appear on page 1035, in the second column, fourth line from the bottom.

My words are reported as follows:

I simply suggest that we recognize what I think was an oversight of the Beaudoin-Dobbie commission.

And in English, I made reference to the Commission on Bilingualism and Biculturalism, also known as the Laurendeau-Dunton Commission in the 1960s.

Honourable senators, I ask for your consent to make that correction.

## THE SENATE

Thursday, April 14, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### THE SENATE

##### REMARKS WITHDRAWN

**Hon. Gerry St. Germain:** Honourable senators, I rise today to withdraw the remarks I made during Question Period yesterday.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank Senator St. Germain.

##### COMMENTS OF LEADER OF THE GOVERNMENT

**Hon. David Tkachuk:** Honourable senators, yesterday in this chamber, I listened again to a lecture on Senate rules by the Leader of the Government in the Senate. The lecture, for those who missed it, had to do with Senators' Statements. Senator Austin noted that statements of fact are what are supposed to be in statements here in the Senate, not statements of political argument. This he did in Question Period yesterday in exchange with Senator St. Germain.

I did not know that facts and political argument were mutually exclusive, though I understand that for senators opposite that is often, if not always, the case. Nevertheless, many honourable senators may have noticed how often lately I have benefited from the wisdom opposite, but not this time.

Rule 22(4) of the *Rules of the Senate* states:

When "Senators' Statements" has been called, Senators may, without notice, raise matters they consider need to be brought to the urgent attention of the Senate. In particular, Senators' Statements should relate to matters which are of public consequence and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate.

Furthermore, the Senate rules state that:

Matters raised during this period shall not be subject to debate.

Honourable senators, I realize that corruption is not considered a matter of public consequence for many senators opposite, but it is for me and it is for my party and it is for the people of Canada. That is a fact.

I will clarify another matter raised by Senator Austin. He objected to the fact that I made my apology during the period in the chamber allotted to Senators' Statements, an apology that he asked for at the last sitting of the Senate in March, an apology, I might add, that he himself asked for during Senators' Statements. We all know that, and, as Senator Austin surely knows, they are not subject to debate. I had no opportunity to

make my apology when he asked for it. However, I did so at the earliest opportunity. Furthermore, the error for which I was asked to apologize was made during inquiries, which allows for full and open debate. Senator Austin did not ask for an apology then, nor did he ask for one later in the day on March 23 during the budget inquiry when every one of the senators opposite could have entered the debate.

Honourable senators, Senator Austin expressed shame that false statements and ridiculous portrayals of Canada had taken place in front of the delegates in the chamber from Malaysia. I agree it is a shame, but I did not cause that shame. The party of the government that the members opposite belong to caused the shame.

[Translation]

### WORLD HEALTH DAY

**Hon. Lucie Pépin:** Honourable senators, as we heard yesterday, World Health Day was celebrated on April 7. In Ottawa, this event was marked by the release of the 2005 *World Health Report*. This year's report is focused on maternal and child mortality. It was my privilege to co-host this meeting with the Honourable Aileen Carroll and Professor Mirembé of Zimbabwe.

The report is hardly reassuring. It tells us that every year more than half a million women die during pregnancy or childbirth and that almost 11 million children die. The remedies to save those lives are available, but they are beyond the means of most developing countries.

The first stage of life is birth. The first universal human right should be the right to give birth and to be born without risk. Our own experience in Canada has proven that it is possible to make maternity without risk a universal right.

We have been reflecting for a long time on ways to help poor countries. In my opinion, we could deal with several development challenges if we could ensure the survival of mothers and children around the world. No society can hope to progress without healthy mothers and children. When a mother dies, her contribution to society is lost and the future of her children is compromised. It is up to the international community to provide financial support to the countries that are striving, for the good of each mother and each child, to gain access to vital health interventions.

Canada is already doing a great deal through CIDA. This month, the Minister of International Cooperation announced an additional investment of \$90 million for maternal and child health programs. This funding demonstrates Canada's commitment to improving the health of mothers and newborns. This same commitment should prompt Canada to take a leadership role in making this issue a priority.



To reflect our values, Canada can do something to ensure that the deaths of mothers and children are no longer ignored or shrugged off. By dedicating this year's World Health Day to mothers and children, the World Health Organization is trying to convince governments and the whole international community to make maternal and child health a priority.

Honourable senators, I invite you to help make sure that this appeal is clearly heard.

[English]

### JOURNALISTS KILLED IN LINE OF DUTY

**Hon. Joan Fraser:** Honourable senators, I rise again this year to draw your attention to the 56 journalists around the world who were killed last year because of their work. It was the highest number of reporters killed in more than a decade, according to the Committee to Protect Journalists. We cannot bring them back to life, but we can honour them. I would like to tell you who they were.

In Bangladesh, Manik Saha, Humayun Kabir, Kamal Hossain; in Brazil, José Carlos Araújo; in the Dominican Republic, Juan Emilio Andújar Matos; in Gambia, Deyda Hydar; in Haiti, Ricardo Ortega; in India, Veeraboina Yadagiri and Asiya Jeelani; in Iraq, 23 journalists: Duraïd Isa Mohammed, Safir Nader, Haymin Mohamed Salih, Ayoub Mohamed, Gharib Mohamed Salih, Semko Karim Mohyideen, Abdel Sattar Abdel Karim, Nadia Nasrat, Ali Abdel Aziz, Ali al-Khatib, Burhan Mohamed Mazhour, Assad Kadhim, Waldemar Milewicz, Mounir Bouamrane, Rashid Hamid Wali, Shinsuke Hashida, Kotaro Ogawa, Mahmoud Hamid Abbas, Enzo Baldoni, Mazen al-Tumeizi, Karam Hussein, Dina Mohammed Hassan, Dhia Najim; in Israel and the Occupied Territories, Mohamed Abu Halima; in the Ivory Coast, Antoine Massé; in Mexico, Francisco Javier Ortiz Franco and Francisco Arratia Saldierna; in Nepal, Dekendra Raj Thapa; in Nicaragua, Carlos José Guadamuz and María José Bravo; in Pakistan, Sajid Tanoli; in Peru, Antonio de la Torre Echeandia; in the Philippines, Rowell Endrinal, Elpidio Binoya, Rogelio Mariano, Arnel Manalo, Romeo Binungcal, Eldy Sablas, Gene Boyd Lumawag and Herson Hinolan; in Russia, Adlan Khasanov and Paul Klebnikov; in Saudi Arabia, Simon Cumbers; in Serbia and Montenegro, Dusko Jovanovic; and in Sri Lanka, Aiyathurai Nadesan, Bala Nadarajah Iyer and Lanka Jayasundara.

Honour them, honourable senators; they died for us.

• (1340)

[Translation]

### INTERNATIONAL DAY OF LA FRANCOPHONIE

**Hon. Pierrette Ringuette:** Honourable senators, during the last week of March, I was a guest of the Massachusetts State Senate during the adoption of a resolution concerning the International Day of La Francophonie.

This resolution refers to the vibrant Francophone community and its contribution to the State of Massachusetts, as well as the economic activity between all the New England states and our Atlantic provinces. The Massachusetts senators asked me to table a copy of their resolution.

[ Senator Pépin ]

[English]

### LAW DAY

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to draw your attention to Law Day across Canada. Marking the anniversary of the Charter of Rights and Freedoms, this year Law Day celebrates the twentieth anniversary of the equality rights in section 15 of the Charter. The theme, Access to Justice, is a theme I strongly endorse, a theme that reflects the right of every Canadian to have equal access to information about the laws and the legal institutions of Canada.

Public legal information and education activities involving hundreds of lawyers have been organized across Canada by the Canadian Bar Association, the CBA. Activities include courthouse tours, newspaper supplements, poster contests, phone-a-lawyer, career panels and fun runs to raise money for charities. The aim is to make the law more accessible to all Canadians and to expand their knowledge of their rights within Canada's justice system.

We can all be proud of the work that the Canadian Bar Association does for the citizens of Canada. The activities include law reform, legal aid, access to justice and international development.

Nobody tackles national law reform like the Canadian Bar Association. The Canadian Bar Association makes more than 60 submissions to and appearances before the federal government each year, dealing with everything from competition law to custody and access to anti-marijuana laws.

The Canadian Bar Association helped change the government's proposed money-laundering legislation to protect lawyer-client privilege.

The Canadian Bar Association has been championing legal aid reform for many years, demanding that federal and provincial governments fund and maintain a healthy legal aid system.

No aspect of the Canadian bar's work does more for Canada's image abroad, particularly in the field of human rights, than the activities of the International Development Committee, the IDC. The International Development Committee educates jurists, strengthens the rule of law and improves access to justice in countries where these services are needed most. The IDC's mission is to alleviate poverty and injustice through the rule of law. The programs are in countries such as South Africa, Bangladesh, the Caribbean and China.

Probably the Canadian Bar Association's greatest accomplishment has been in South Africa, a nation that has relied on Canada's help to remake itself. Our Charter of Rights and Freedoms was the model for their new constitution.

Partnering with South Africa-based Legal Resources Centre, the IDC has helped support numerous successful legal challenges by the Law Resources Centre. One such victory earned HIV-positive, pregnant women the right to receive medicine the government was refusing to distribute.

In China, thanks to the Canadian Bar Association, the Chinese defence lawyers presented Chinese National Law Day on December 18, 2004. The activity helped 50,000 Chinese citizens.

The Canadian Bar Association provides a unique service for Canadians through its public interest advocacy, public education programs such as Law Day, and its international outreach.

I offer my encouragement and support to the Canadian Bar Association, as well as to the many legal groups here in Ottawa and across Canada in their endeavours on Law Day. Please join me in extending best wishes to all involved for a successful Law Day in 2005.

## NOVA SCOTIA

### EVENTS IN HALIFAX

**Hon. Terry M. Mercer:** Honourable senators, it has been quite a month for the City of Halifax.

Halifax International Airport was named the number one airport in the Americas, number one for overall passenger satisfaction among airports handling fewer than 5 million passengers a year and rated the world's best airport for domestic travel. The annual survey was conducted by the Airports Council International and the International Air Transport Association.

Halifax has also been named the host city in 2010 for the American Association of Port Authorities, which brings together members of the alliance of ports of Canada, the Caribbean, Latin America, and the United States. The event will bring about 700 port officials to the city.

Honourable senators, I am sure you will join me in congratulating the city of Halifax, Nova Scotia, for its outstanding recognitions in the past month, and I encourage you to come and enjoy Canada's best airport, Canada's best port, Canada's finest city and party town east. I look forward to reporting more in the days ahead.

[Translation]

## ROUTINE PROCEEDINGS

### INTERNATIONAL DAY OF LA FRANCOPHONIE

#### RESOLUTION TABLED

**Hon. Pierrette Ringuette:** Honourable senators, I wish to table a copy of the resolution adopted by the Senate of Massachusetts concerning the International Day of La Francophonie.

[English]

### KYOTO PROTOCOL

#### PLAN OF COMPLIANCE TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both

official languages, a document entitled "Moving Forward on Climate Change: A Plan for Honouring our Kyoto Commitment."

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### EIGHTH REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey,** Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, April 14, 2005

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

### EIGHTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2005-06.

#### Aboriginal Peoples (Legislation)

Professional and Other Services	\$ 17,300
Transport and Communications	\$ 17,740
Other Expenditures	\$ 1,500
<b>Total</b>	<b>\$ 36,540</b>

(includes funds for conference attendance)

#### Banking, Trade and Commerce (Legislation)

Professional and Other Services	\$ 22,000
Transport and Communications	\$ 0
Other Expenditures	\$ 8,000
<b>Total</b>	<b>\$ 30,000</b>

GEORGE J. FUREY

Chair

**The Hon. the Speaker:** When shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

[Translation]

## ABORIGINAL PEOPLES

### BUDGET—REPORT OF COMMITTEE ON STUDY OF INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES PRESENTED

**Hon. Gerry St. Germain,** Deputy Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:



Thursday, April 14, 2005

The Standing Senate Committee on Aboriginal Peoples has the honour to table its

#### FIFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, November 4, 2004, to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada, respectfully requests the approval of funds for fiscal year 2005-2006.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

GERRY ST. GERMAIN, P.C.  
*Deputy Chair*

(For text of budget, see today's Journals of the Senate, Appendix A, p. 732.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator St. Germain, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

#### FINANCIAL ADMINISTRATION ACT CANADA SCHOOL OF PUBLIC SERVICE ACT OFFICIAL LANGUAGES ACT

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Joseph A. Day,** Deputy Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, April 14, 2005

The Standing Senate Committee on National Finance has the honour to present its

#### SEVENTH REPORT

Your Committee, to which was referred Bill C-8, An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act, has in obedience to the Order of Reference of Monday, March 21, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY  
*Deputy Chair*

[ Senator St. Germain ]

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Ringuette, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

#### FOREIGN AFFAIRS

#### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF MATTERS RELATED TO AFRICA PRESENTED

**Hon. Consiglio Di Nino,** Deputy Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, April 14, 2005

The Standing Senate Committee on Foreign Affairs has the honour to present its

#### FOURTH REPORT

Your Committee, which was authorized by the Senate on Wednesday December 8, 2004 to examine and report on the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study, and to travel outside Canada for the purposes of such study.

Pursuant to section 2(1)(c) of Chapter 3:06, of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CONSIGLIO DI NINO  
*Deputy Chair*

(For text of budget, see today's Journals of the Senate, Appendix B, p. 740.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Di Nino, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE  
SERVICES AND TRAVEL—REPORT OF COMMITTEE  
ON STUDY OF ISSUES RELATED  
TO FOREIGN AFFAIRS PRESENTED

**Hon. Consiglio Di Nino**, Deputy Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, April 14, 2005

The Standing Senate Committee on Foreign Affairs has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, October 21, 2004, to examine such issues as may arise from time to time relating to foreign relations generally, respectfully requests that it be empowered to engage the service of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study, and to travel within and outside Canada for the purposes of such study.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CONSIGLIO DI NINO  
*Deputy Chair*

(For text of budget, see today's Journals of the Senate, Appendix C, p. 747.)

**The Hon. the Speaker:** Honourable senators, when will this report be taken into consideration?

On motion of Senator Di Nino, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

CANADA-CHINA LEGISLATIVE ASSOCIATION

SEVENTH BILATERAL MEETING,  
OCTOBER 29-NOVEMBER 9, 2004—REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the report of the Canada-China Legislative Association concerning the seventh bilateral meeting held in Beijing, Chongqing, Hong Kong and Shenzhen, from October 29 to November 9, 2004.

[Translation]

ASIA-PACIFIC PARLIAMENTARY FORUM

THIRTEENTH ANNUAL MEETING, JANUARY 10-13,  
2005—REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the report of the thirteenth annual meeting of the Asia-Pacific Parliamentary Forum, which was held in Ha Long City, Vietnam, from January 10 to 13, 2005.

RULES, PROCEDURES AND  
THE RIGHTS OF PARLIAMENT

MOTION TO ALLOW REINTRODUCTION OF BILLS  
FROM ONE PARLIAMENTARY SESSION TO NEXT

**Hon. Céline Hervieux-Payette:** Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session with a view to including, in the *Rules of the Senate*, a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process.

• (1400)

[English]

QUESTION PERIOD

JUSTICE

AIR INDIA BOMBING—  
JUDICIAL INQUIRY INTO INVESTIGATION

**Hon. A. Raynell Andreychuk:** Honourable senators, at yesterday's sitting of the Senate, the Question Period expired so I raise the issue today. The Honourable Leader of the Government in the Senate indicated that he disagreed with me on the methodology for the inquiry into the Air India disaster and made a comment that I found rather disturbing. The leader said:

It is an interesting issue. The Air India disaster occurred in 1985. The work by security agencies and police that took place between 1985 and 1993 was under the authority of a previous government.

I find that comment bewildering, at best. In my opinion, it does not matter which government was in place at the time. I can assure the house that senators on this side believe that a full and fair investigation should take place whatever government was in place at the time and that the lives of the people should count more than the survival of a political party. Therefore, I would ask the honourable leader to explain his comments as to why that might be an inhibiting factor for an inquiry.



**Hon. Jack Austin (Leader of the Government):** Honourable senators, I appreciate the question and I will answer it in this way. An inquiry would not have access to the cabinet records and other cabinet secrets of the Mulroney government without the permission of the former Prime Minister, the Right Honourable Brian Mulroney. Therefore, it is one of many issues that has to be examined to determine whether an inquiry would expose any information that is currently unknown. That is why this side believes it appropriate for an eminent person whose credibility would not likely be challenged to advise the government on the efficacy of launching a public inquiry.

**Senator Andreychuk:** It was unfair to comment on the record that because it occurred under a previous government that would be, somehow, an inhibiting factor to an inquiry. Now I am hearing that the government has not looked into that issue. Even when governments do not change, there is sometimes difficulty obtaining cabinet documents, as we have discovered through previous inquiries. This is nothing unusual. I would suggest that it would be in the best interests of the families, of security and safety and of the Canadian public that there be an immediate inquiry.

**Senator Austin:** Honourable senators are aware that the present government has cooperated fully with both the Arar inquiry and the Gomery inquiry in making confidential documents available to those commissions so that they may best carry out their work.

The issue has nothing to do with bringing justice and support to the families. I do not believe we differ in wanting to meet the tests of fairness for those families with respect to all of the incidents that followed from the Air India tragedy. It is a public policy question. Before the government enters into an inquiry process, it wants to ensure that the money would be well spent and that information about the investigation that is unknown might be made known.

**Senator Andreychuk:** I have a final plea: Justice delayed is justice denied. We both know that in this case justice has been a long time coming. The perception of justice is as important as whether justice was done in the court proceedings. We must continue to examine our processes because we cannot simply say that we need to know whether all avenues were canvassed. Now that the court case has finally reached its first determination, it would be an appropriate time to examine our processes to know whether they are adequate so as to avoid a repeat. One day's delay could be fatal.

**Senator Austin:** Honourable senators, Senator Andreychuk may not be aware that the British Columbia Court of Appeal has extended by 30 days the time to apply for appeal. Therefore, the government believes that it is not appropriate to take further steps in the direction of an inquiry or of appointing an eminent person until the legal process is final.

## THE ENVIRONMENT

### KYOTO PROTOCOL—PLAN OF COMPLIANCE

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, yesterday the federal government released its greenhouse gas abatement plan called, "Moving Forward on Climate Change," which outlines its plan to meet Canada's Kyoto

targets by 2012. Unfortunately, the plan appears incomplete because it does not comprehensively outline how this government will meet its targets or what the real cost will be to Canadian taxpayers. Could the Leader of the Government in the Senate please explain why it did not outline in more detail the plan to comply with the Kyoto Protocol and what the real cost of the plan will be to Canadian taxpayers? Canadians deserve to know.

**Hon. Jack Austin (Leader of the Government):** I thank the Honourable Senator Stratton for his interest in the government's announcement yesterday with respect to its Kyoto plan. I also appreciate the fact that the critic for the Conservative Party in the other place, MP Bob Mills, stated publicly that his party supports the Kyoto process.

With respect to the specific question, all of the costs cannot be made known. However, the federal government has made known its role with respect to its working relationship with the provinces in its partnership plan and with respect to the way in which the federal government will work with industry and consumers to realize the Kyoto targets.

The plan is a strategic process, which has had a very good reception from constituencies concerned with balancing a sustainable environment and a progressive, productive and growing economy.

**Senator Stratton:** I will check Bob Mills' quote on the matter because no one on this side believes that for one minute.

The government's failings on the climate change issue bring to mind the comment once made by the current Minister of Public Works and Government Services Canada. He said:

This is a government that could not organize a two car funeral, let alone implement a Kyoto agreement in terms of domestic engagement within Canada.

The source is, of course, Mr. Scott Brison, who made this remark in the House of Commons on December 10, 2002.

After years and years of dithering and delay, it is now clear that the government's plan fails to provide an achievable approach toward the climate change issue. It fails to provide a clear plan to promote energy conservation, transitional fuels and alternative energies.

Could the Leader of the Government in the Senate please account for these failings? Are these failings a further confirmation of what the leader's cabinet colleague, the Minister of Public Works and Government Services, once gave of this Liberal government's general incompetence in the matter?

My point in raising this matter is not in the hopes of receiving a cute phrase in reply. The point is: How long has it taken the government to bring this initiative forward? How many years have the Liberals been in government? How long ago was the Kyoto Protocol signed, and how long has it taken from that date to make this announcement?

**Senator Austin:** On the contrary, it has nothing to do with the basic question. The basic question is how to achieve a growing and productive Canadian economy while preserving our environment and that of the world community. In that way, the costs of the environment do not detract from our economic progress as a country and as a society.

• (1410)

Honourable senators, Senator Stratton quoted Minister Scott Brison when he was not a minister in any government. I can assure you that the minister is very happy today with the Kyoto plan. It has met his concerns. I can demonstrate that further, should Senator Stratton wish me to do so.

While I am on my feet, I would reply to a question that Senator Stratton asked me with respect to the Titan IV rocket trajectory. The answer to the question is, as I said: The Government of Canada learned of this matter and communicated that information to the Government of Newfoundland and Labrador.

If I may, honourable senators, to satisfy Senator Stratton, I would refer to *The Toronto Star* of today, a column by Andrew Mills who quotes Bob Mills as saying:

...a Conservative government would remain true to Canada's Kyoto commitment to cut greenhouse gas emissions by 6 per cent of 1990 levels over the years 2008-2012.

Senator Kinsella asked: What is wrong with that? I cited that with approval.

#### NEWFOUNDLAND AND LABRADOR—RELIABILITY OF WEATHER FORECASTING AND STORM TRACKING

**Hon. Ethel Cochrane:** Honourable senators, my question for the Leader of the Government in the Senate concerns the quality and the reliability of Environment Canada's weather forecasting in my province.

A storm surge last month along the east coast of the province resulted in many millions of dollars in damage, but thankfully did not claim any lives. Residents of the affected communities, as well as Newfoundland's Director of Emergency Operations, Mr. Fred Hollett, said he did not receive adequate advance warning of the storm from Environment Canada.

In light of last week's storm, could the Leader of the Government in the Senate tell us if Environment Canada will review this lack of proper public notification?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will be pleased to send Senator Cochrane's statement to the minister and ask for a review.

**Senator Cochrane:** Thank you. Recently, there have been many complaints within my province regarding the quality of Environment Canada's storm tracking.

In a cost-saving measure two years ago, the federal government moved Newfoundland's regional forecasting operations to Halifax, and reduced the responsibility of the Gander weather office to marine forecasting only. North Atlantic weather conditions are notorious for their unpredictability and their severity. Therefore, safety issues must be of the utmost importance for those on the land and on the sea.

Could the Leader of the Government in the Senate tell us if recent events will lead the federal government to rethink this decision and assess whether it made the right decision in moving most of Newfoundland's weather forecasting out of the province?

**Senator Austin:** Honourable senators, I certainly will add that comment by Senator Cochrane to the submission that I make to the minister.

#### HEALTH

##### TEST KITS CONTAINING MISLABELLED STRAIN OF INFLUENZA—RESPONSIBILITY FOR TESTING WORKERS IN AFFECTED LABS

**Hon. Wilbert J. Keon:** Honourable senators, my question is for the Leader of the Government in the Senate.

We learned on Tuesday that up to 5,000 labs worldwide received test kits containing mislabelled samples of a strain of influenza known as A/H2N2. This virus was responsible for an outbreak of Asian flu in 1957 that killed about 1 million people.

We must congratulate Dr. David Butler-Jones, of our Public Health Agency, who was the first in the world to alert the World Health Organization to the mistake. All the labs that received samples of this virus, including 20 in Canada, were asked to destroy them.

While the risk is low, if this virus somehow works its way into the community, the results could be quite deadly. The A/H2N2 virus has not circulated among humans since 1968; therefore, most people born after that date would have little or no immunity.

My question is this: Who is responsible for testing workers in the affected labs and any family members who have exhibited flu-like symptoms in the last few weeks, to determine if they have been exposed to this virus? Is it Health Canada or the local authorities?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, may I first comment with respect to the superb work done by the lab in Vancouver in raising the concern, and the diagnostic and analytical work done by the public health lab in Winnipeg in making the determination that this was, in fact, an A/H2N2 virus. That allowed some 5,000 labs around the world to be notified of the mislabelling, and, hopefully, all of them have taken proper corrective action. I think Canada's public health capacity has won a gold star from the World Health Organization in this particular situation.



I do not have a specific answer to the honourable senator's well-focused question. I would imagine, and perhaps he can inform us better than anyone, that the local authorities would be on the alert for any signs of flu in any of the workers who could possibly have been in contact with these test kits. The federal government does not have the reach and the scope that might be required in the local community, but I understand Dr. Butler-Jones has sent everyone a request for all possible information, should any become available.

#### REVIEW OF PROCEDURE SURROUNDING IMPORTATION OF VIRUS SAMPLES

**Hon. Wilbert J. Keon:** Honourable senators, while this incident may be the result of an accident, it reminds us of the need for continued vigilance and how deadly this virus is. Of course, there is always the risk of terrorism and a pandemic.

The World Health Organization has requested that labs throughout the world review their safety procedures in handling influenza viruses. Could the Leader of the Government in the Senate tell us that Health Canada has requested that Canadian laboratories and their workers review biosafety measures? At the same time, would he inquire and tell us if this incident has prompted Health Canada to review the procedures surrounding the importation of virus samples into our country?

**Hon. Jack Austin (Leader of the Government):** I will seek the specific information, honourable senators.

#### INTERNATIONAL TRADE

##### BOVINE SPONGIFORM ENCEPHALOPATHY— DISCUSSIONS WITH UNITED STATES CATTLE INDUSTRY ASSOCIATIONS

**Hon. Leonard J. Gustafson:** Honourable senators, the National Meat Association of the United States, which represents meat packers, processors, equipment manufacturers and food suppliers in that country, has made a compelling case for how its members have suffered as the result of the BSE ban, which it wants lifted. Indeed, it has filed an appeal to be an intervener in the *R-CALF vs. the United States Department of Agriculture* case in the Ninth Circuit Court.

Would the Leader of the Government in the Senate please outline the steps that his government has taken to have a dialogue with these groups? Is there any ongoing, formal sharing of information?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will have to make inquiries.

• (1420)

**Senator Gustafson:** The importance of this is that it represents about \$38 million every week; in fact, the trade of beef in North America with Japan is greater than the trade in automobiles. The significance of the situation is such that government-to-

government exchanges are not enough; exchanges with the various industry players who are trying to get that border open must take place.

#### AGRICULTURE AND AGRI-FOOD

##### BOVINE SPONGIFORM ENCEPHALOPATHY— CLASS-ACTION SUIT BY COALITION OF CANADIAN FARMERS

**Hon. Leonard J. Gustafson:** I have a supplementary question for the government leader. My question relates to the news release that the Government of Canada is being sued in this matter. I happen to believe the class-action suit is a mistake, because we are trying to get the border open. A lawsuit gives fodder to the people who are trying to keep the border closed.

We learned this morning in committee from the cattlemen's association of Quebec that the class-action suit was not launched by the Canadian Cattlemen's Association but rather by a coalition of Canadian farmers. Has the government made that clear to the public? In my opinion, the government should clarify the situation.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I agree with the honourable senator that this is a very important issue. I concur that the commencement of a class-action suit of the kind the honourable senator has referred to — and I have the same information; statement of claims have been filed in four provinces — would provide the R-CALF group with another basis for obtaining delay in the opening of the border.

My information is the same as the honourable senator's, that is, that the suit has not been launched by a recognized national group. However, the Government of Canada has not received a statement of claim; it has seen the same report, however. We are awaiting service in order that we can move as quickly as possible to deal with this particular attempt to launch a legal proceeding.

With respect to the other part of the honourable senator's question, I also want to join with him. I know that the American Meat Institute, which represents meat packers and processors in the United States, has been aggressive in the courts of the United States seeking to assist in the opening of the border and to uphold the ruling of the United States Department of Agriculture.

##### BOVINE SPONGIFORM ENCEPHALOPATHY—AID TO CATTLE INDUSTRY—CULLING OF OLDER ANIMALS

**Hon. Gerry St. Germain:** Honourable senators, I believe that, during the parliamentary break, an agricultural package was put forward. If my recollection is accurate, \$195 million went to the cattle sector. My question to the Leader of the Government in the Senate is this: Has any further consideration been given to the rationalization of older cattle?

Given the lawsuit that has been referred to, it is imperative that we rid ourselves of the cattle that may have been subject to the feed system that caused the problem. The rationalization of the herd refers to older cows in cow-calf operations. There was

quite a bit of publicity at the time the \$195 million went out that the cow-calf operators are still suffering egregiously from the effects of the closure of the border. Can the leader enlighten us on that?

**Hon. Jack Austin (Leader of the Government):** The government, on March 29, announced an additional \$1 billion in immediate cash assistance to help Canadian farmers with record-low farm incomes. That announcement was made on the basis that the standard 60-40 formula would be applied by the provinces. In other words, there is a long history of the federal government and the provinces contributing to farm assistance on the basis of 60-40.

With respect to the specific question, the government is actively consulting with industry, both producers and packers, to determine which program would best enable their respective interests to be served. At this time, I can tell the honourable senator no more.

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### TESTIMONY OF WITNESSES BEFORE AGRICULTURE AND FORESTRY COMMITTEE RESULTING IN THEIR DISMISSAL—REQUEST FOR INFORMATION

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I have a question for the Chairman of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. I wonder whether the honourable senator and his colleagues on that committee could examine the committee records with reference to a letter that I am advised was sent to the committee by Dr. Shiv Chopra, Margaret Haydon and Gérard Lambert, or on their behalf?

As honourable senators will recall, those three individuals, who were employed by Health Canada but have subsequently been fired, gave valuable testimony before the Standing Senate Committee on Agriculture and Forestry with respect to rBST. Honourable senators will also recall the concern that their employer would act in a retaliatory way as a result of their testimony. That concern, in and of itself, caused a question of privilege to be raised in the Senate, and the matter was looked at by the Rules Committee a little while ago. That firing is subject to arbitration before the appropriate labour relations board.

However, the Treasury Board appears to be delaying its case before that board. The government's lawyer, as employer, is now not available until next fall. Dr. Chopra, Ms. Haydon and Mr. Lambert are being placed at a great disadvantage.

I am not aware of the facts, but the Rules Committee, according to the information I have, has been approached by these three individuals, who appeared before the Agriculture and Forestry Committee and gave testimony with the understanding that they would be protected by parliamentary privilege. The three individuals at the centre of this matter have been fired. They say they have contacted the Rules Committee but that they have not heard back from the committee.

I would ask the honourable chair of the Rules Committee to review the committee records to determine whether the committee did indeed receive the communication and whether a reply is forthcoming.

**Hon. David P. Smith:** We will undertake to do that. As Senator Kinsella is aware, as I believe are all senators, we are trying to finalize our report on the code of conduct. A number of us are resolved to try to do that next week, but I can assure the honourable senator that we will look into the matter that he has raised here today.

#### RULES GOVERNING USE OF SENATORS' STATEMENTS—REQUEST FOR REVIEW

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I should like to ask a question of the Chairman of the Standing Committee on Rules, Procedures and the Rights of Parliament.

Would the chairman look into the question of the use of Senators' Statements. When I was chair of the committee, it had not been contemplated that Senators' Statements would be used for a unilateral political statement. It was contemplated that, as Senator Tkachuk has said, the section under Inquiries would create the correct format for debate one way or another.

• (1430)

It troubles me that, if we are to deal with political issues under Senators' Statements, the use of Senators' Statements should be amended to allow a response or, alternatively, Senators' Statements should be used for announcements.

I do not have a quarrel with Senator Tkachuk about the description of how Senators' Statements are being used at the moment. Nothing in the rules states what a senator is entitled to say under Senators' Statements. I wonder whether procedurally we might find a better way to allow that practice and to allow a political debate in a more balanced fashion. I would appreciate the honourable senator taking that suggestion under consideration with the committee.

**Hon. David P. Smith:** Honourable senators, I will take the question as notice of a request to review that matter. We do have a number of outstanding items. Some time ago it was decided that we would not deal with other matters until we had completed our report on the code of conduct. For some reason or other, it is taking quite a while to get there, but we are getting there, and we hope to deal with these other pending matters soon.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTIONS

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting a delayed answer to oral questions raised in the Senate on March 21, 2005, by Senator Andreychuk, in regard to the subject of fraudulent documents.



## CITIZENSHIP AND IMMIGRATION

## INTERCEPTION OF FRAUDULENT DOCUMENTS

*(Response to questions raised by Hon. A. Raynell Andreychuk on March 21, 2005)*

*Does the government have an estimate of the number of fake documents that are not being intercepted and are making their way into the hands of fraudulent claimants?*

The government does not have an estimate of the number of fraudulent documents in circulation that are not detected.

*In other words, is the government tracking this issue?*

The Canada Border Services Agency tracks the number of improperly documented and undocumented persons arriving in Canada. The Migration Integrity Officer Program and the December 2004 implementation of the Safe Third Country Refugee Sharing Agreement with the United States have considerably decreased the number of irregular migrants accessing Canada.

The number of improperly documented persons arriving at Canada's airports has declined by 70 per cent since 1990, reaching an all-time low of 2,442 in 2004. In 2005, improperly documented arrivals at Canadian airports are expected to decrease further and to be at their lowest level since statistics were first collected in 1989.

816 or 33 per cent of the improperly documented arrivals at Canadian airports in 2004 arrived without passports, although the receipt of advanced passenger information (API/PNR) resulted in identification of much of the documentation used.

In 2004, 5,916 passports were intercepted abroad. Many of these interceptions were made by Canada's Migration Integrity Officers (MIOs) or airline agents trained by MIOs.

*Further, is the government aware that there is an increasing number of fraudulent identity documents being used in this manner and what corrective measures has it taken?*

The number of improperly documented persons arriving at Canadian ports of entry has been decreasing since 1998.

A. The Immigration and Refugee Protection Act provides authority for the immigration officers of the Canada Border Services Agency and Citizenship and Immigration Canada to seize documents if they have been fraudulently or improperly obtained or used, or the seizure is necessary to prevent their fraudulent or improper use or to carry out the purposes of the legislation.

B. The measures being taken to combat document fraud in the immigration and refugee programs are the following:

1. Mail Seizure program — This program, which commenced in 1995, allows CBSA to seize fraudulent documents, blank documents and equipment that facilitates counterfeiting or alteration of documents. The types of documents seized are largely consistent with those being used to facilitate migrant smuggling to Canada and other countries. They also reflect the misuse by irregular migrants after they gain access to Canada. Thus, the program removes a large volume of contraband documents from circulation.
2. Production and distribution of travel document alerts — On a regular basis, the CBSA produces and distributes travel document alerts on new documents, fictitious documents in circulation, and new types of fraud encountered in various documents. These alerts are invaluable for the continuing education of CBSA and CIC officers, other government officials and partners involved in border management in Canada and abroad.
3. Document training — CBSA develops and delivers document examination training to CBSA and CIC officers and partner agencies. It has developed a national document curriculum for CBSA, CIC and partners.
4. Participation in EDISON (Electronic Data Imaging System on Network) — EDISON is a joint Dutch, Canadian, American and Australian product that provides easily searchable and reliable information on travel documents from all countries in the world and is currently available at Canadian ports of entry and missions abroad.
5. Development and implementation of a lost/stolen document database connected to the Primary Inspection Line — CBSA has developed a data module within our immigration processing system which includes basic, non-personal data on passports, visas and other documents that have been reported and confirmed lost, stolen or fraudulent by the competent authority. Through a link with the Primary Inspection Line at Canadian international airports, holders of documents which are recorded in the module are identified for mandatory referral to an immigration secondary examination where the holder and document will be subject to further checks and possible enforcement action. This module is accessible to all officers with access to the immigration database, including those outside Canada.
6. Document readers — To assist in the detection of document fraud at ports of entry and inland, document readers have been distributed. The abilities of these readers include ability to detect non-compliance with International Civil Aviation Organization (ICAO) standards in the machine readable zone of the document, and formatting inconsistencies.
7. Document reader observation library — The observation library is a reference tool attached to the document reader which provides information concerning specific documents. The library is maintained by CBSA staff.

8. **Tele-expertise** — Another tool employed is a video spectral computer designed specifically to detect fraudulent documents. This equipment allows an operator to conduct a full forensic examination of the document and has been adapted to conduct remote document examinations where the document expert is in a different location than the document.
9. **Migration Integrity Officer Network** — Currently, CBSA has deployed 45 Migration Integrity Officers in 39 locations abroad. They are responsible for providing advice and training on documents and irregular migration to airlines and host government officials, conducting interdiction exercises to stop illegal migrants and combat fraud.
10. **Participation in the development by ICAO of international travel document standards that maximize the difficulty of altering or counterfeiting a travel document.**
11. **Interdepartmental Working Group on Document Integrity** — This Working Group has representation from 14 federal departments and agencies. It facilitates interdepartmental cooperation and information sharing on documents for the purpose of enhancing consistency of approach and reducing duplication of effort.
12. **Advanced Passenger Information / Personal Name Record (API/PNR) data** — The use of API/PNR on passengers in flight to Canada allows the CBSA to screen passengers in advance and target for referral to secondary examination those whose data presents some discrepancy which requires further investigation.

[English]

## BUSINESS OF THE SENATE

### POINT OF ORDER— REQUEST FOR SPEAKER'S RULING WITHDRAWN

**Hon. Jeremiah S. Grafstein:** Honourable senators, as Senator St. Germain rose earlier today to withdraw the remarks he made in Question Period yesterday, I therefore withdraw my request for a ruling on a point of order and privilege yesterday respecting certain of Senator St. Germain's remarks.

### POINT OF ORDER

**Hon. David Tkachuk:** Honourable senators, I rise on a point of order. The *Rules of the Senate* state that a senator considering himself or herself offended or injured in the Senate, in a committee room or in any of the rooms belonging to the Senate may appeal to the Senate for redress.

Yesterday, in this chamber, I was the victim of a personal attack that came about after I responded to a request for an apology from Senator Austin that he made on March 23 of this year. At that time, I could not apologize because Senator Austin made his request during Senators' Statements, which did not allow for a response. Then the Senate recessed.

Honourable senators, I availed myself of the earliest opportunity to apologize, which was yesterday because the previous day we heard statements on the death of the Pope. Here is what I said:

To the people of Canada, I apologize for what I said.

I acknowledged my error, as Senator Austin requested, but he was not satisfied. He took issue not only with what I said but also with when I said it, which is fine with me. That is what we do in this chamber. What we do not do, and what the rules proscribe us from doing, is making less than judicious personal attacks against one another.

In this context, I would draw to the attention of honourable senators rule 51, which reads as follows:

All personal, sharp or taxing speeches are forbidden.

Senator Austin ended a response to a question posed by Senator St. Germain with the following words:

I do not know the facts and I will not join a lynch mob in dealing with this particular proceeding. I will leave lynch mob leadership to Senator Tkachuk.

Senator St. Germain took umbrage with that characterization and responded in kind. While Senator Austin may have felt that his integrity was impugned by Senator St. Germain's reflexive comment, I was not a participant in the exchange. The attack on my character and reputation was incidental. I was an innocent bystander sideswiped in passing, as it were.

**Senator Austin:** So innocent.

**Senator Tkachuk:** Senator Austin characterized me, out of the blue, as a lynch mob leader. The comment was gratuitous and extraneous to the question that was asked by my colleague. The assault on my good name struck me to the very core. I was hurt.

**Some Hon. Senators:** Oh, oh.

**Senator Rompkey:** We weep for you!

**An Hon. Senator:** The first cut is the deepest.

**Senator Tkachuk:** Honourable senators and Your Honour, in raising this point of order, I seek redress for the words used by Senator Austin.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I welcome the opportunity to comment on what took place yesterday.

**Senator Tkachuk:** No apology?

**Senator Austin:** Honourable Senator Tkachuk said the following to us yesterday:

Liberals know their corruption well, honourable senators. I humbly defer to them on all matters related to the practice of it.

**Some Hon. Senators:** Shame!



**Senator Austin:** That was the beginning. Then he referred to the daily reports coming out of the Gomery inquiry, and he naturally assumed that what the headlines meant was that Canada ranked twelfth worst in corruption in the world. How could any Canadian believe that his country, her country, could be the twelfth worst country in the world in corruption?

Senator Tkachuk explained his remark as not being able to properly read a headline in a newspaper. I cannot take responsibility for that. He does not either, really. While he says to the people of Canada, "I apologize for what I said," he went on to characterize David Kilgour as very prescient, adopting and quoting his view that:

...the Liberal party was now seen "as looking on the public trust as a vulture looks on a dying calf."

He continued to quote:

"Here we are, a G7 country, acting like a northern banana republic. What country is seen as more politically corrupt than us at the moment?"

Honourable senators, what I was referring to in my comment about Senator Tkachuk when I said that I would not join a lynch mob in dealing with this particular proceeding but would leave lynch mob leadership to Senator Tkachuk is the proceeding under the Gomery inquiry. That procedure has been set in place to determine the facts. We have no proof of anyone's corruption, not until the inquiry commissioner, Judge Gomery, reaches conclusions. No one in our country is guilty until proven so, and the presumption of innocence is dominant.

**Some Hon. Senators:** Hear, hear!

• (1440)

**Senator Austin:** Honourable senators, on this side, we believe in the rule of law. The other side believes in making a judgment before the facts are in. Why? Because it suits their belief as to their political expediency.

**Senator Mercer:** Part of the hidden agenda.

**Senator Austin:** I would assure them that they are making a mistake. The people of Canada want to see the outcome of the Gomery commission. They want to know the facts.

Honourable senators, I have provided an explanation, but I will certainly not go beyond that.

**Some Hon. Senators:** Hear, hear!

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, that was quite a dissertation on the part of the Leader of the Government in the Senate, but I would like to know what it had to do with the point of order that was just raised by Senator Tkachuk. I would refer to rule 54 which has to do with what has been taking place here today and yesterday. Rule 54 states:

The Senate may intervene to prevent the prosecution of any dispute between Senators arising out of a debate or proceeding in the Senate or in any Committee thereof.

It concerns me that the quality of debate is spiralling downwards by proceeding in this manner. I believe that that is inappropriate. I would agree with the honourable senator that we should address the matter, but I have no idea what the solution may be.

We need debates and exchanges such as this since they add vigour to our debates. The question is: In what language? Both sides must be concerned about that language.

Rule 51, which comes into play, states:

All personal, sharp or taxing speeches are forbidden.

It matters not whether the intervention occurs in Senators' Statements, Question Period or wherever.

I turn now to the matter of definition. What is meant by, "sharp or taxing speeches"?

After Senator Tkachuk misspoke on March 22 during debate on the budget, he did come back at the first opportunity and offer an apology. We should all recognize the record which shows that, at the first opportunity, he did that. As he has pointed out, Senator Austin made his statement during Senators' Statements when there is no procedure to allow a senator to respond. It works both ways; and we should recognize that.

All senators should recognize that this is a situation where both sides should try to raise the level of debate by avoiding certain language. From time to time, we all lose our tempers, and I am noted for that, I am sure.

**Senator Robichaud:** Really?

**Senator Stratton:** I have done so on several occasions.

Surely to goodness, in this instance, if Senator St. Germain has withdrawn his comments of yesterday, it should be possible for Senator Austin to do the same today.

**Senator Austin:** Honourable senators, my view of the situation is not on all fours with that just outlined. Senator St. Germain withdrew his comments. Frankly, I believed that that would end the matter that was started by Senator Tkachuk during Senators' Statements.

As Senator Tkachuk continues to see himself as having a grievance, I would say that I see this side as having a grievance because Senator Tkachuk says that we are corrupt — and I believe he is referring to the evidence heard at the Gomery inquiry — though that finding has not been reached by anyone. If he wants to say there are allegations of corruption, then that is fine. However, to come to a conclusion is to make a judgment. To tell Canadians they can make a judgment on the facts when the facts are not concluded is something else.

**Senator Stratton:** That is awfully magnanimous of the honourable senator. I shall remember it.

**Some Hon. Senators:** Oh, oh!

**Hon. Marcel Prud'homme:** Honourable senators, we are entering into a new era. An ex-minister in the Quebec National Assembly once said, "Rights are rights are rights." I am afraid, after listening to these many exchanges between the Leader of the Government in the Senate and the Chairman of the Standing Committee on Rules, Procedures and the Rights of Parliament, that I do know what constitutes a statement. To me, it is clear. A statement is a statement is a statement. If some members do not like some statements, they have recourse. They can make, at the first opportunity, a different statement, an aggressive statement or, if they feel offended, they can, as the minister has done, give us warning that he will raise a question of privilege.

I am sceptical, especially after what happened in the National Assembly of Quebec. I will never forget that they condemned a citizen, whose name was Yves Michaud. He was condemned by two members, Mr. Boucher, a PQ, and Mr. Bergman, a minister. They condemned a Canadian citizen, regardless of his political affiliations, for a statement that nobody had read. In a democratic society, a statement can be made. Now we are saying that that is not nice, not gentlemanly. The issue was addressed yesterday. When there was reference to, "You over there," meaning the other side, "you are either corrupt or a bunch of corrupt officials," that eliminated half of the senators on this side who are members of the government side. Where do you stop?

That is a supplementary question to our able chairman of the Rules Committee, Senator Smith, whom I have known since 1960. We must be extremely careful when we start defining what is a "statement." Some statements may be more vigorous. This may be difficult for some to hear, but we should live with our statements. If some do not like it, if they think it is too heated, they can cool off somewhere else or make, at the first opportunity, another statement.

I do not want to anticipate how far we can go when making statements. This session may be coming to an end, but I am sure we have not heard the end of it. Some strong statements may be made soon that some members may not like and they may say they are incorrect.

**Senator St. Germain:** Very good.

**The Hon. the Speaker:** With no other senator rising, I will deal with this now.

I thank Senator Tkachuk for raising the matter and honourable senators for reviewing the details of what transpired yesterday. The exchange I think speaks for itself.

Senator Stratton drew our attention to rule 51, which reads:

All personal, sharp or taxing speeches are forbidden.

That is the extent to which the presiding officer of the Senate can involve himself or herself in a matter such as this, other than to draw attention to the fact that such has occurred and that senators should judge themselves accordingly.

Senator Tkachuk made reference to rule 52, which reads:

A Senator considering himself or herself offended or injured in the Senate, in a committee room, or in any of the rooms belonging to the Senate, may appeal to the Senate for redress.

Rule 53 is also relevant in that it has the same language in referring to a senator appealing to the Senate.

• (1450)

The rules that Senator Tkachuk has drawn to our attention refer to the Senate as a whole, and I thank him for doing that. It is not for me to suggest how that might be done, but there are rules and procedures for a senator to proceed under rule 52 or other rules to request a remedy of the Senate.

In terms of the request to the chair to address the matter, my ruling is that it is not within the power of the chair to do other than what I have done on this occasion, and that is to draw attention to rule 51. The other matters are for the Senate itself or for a senator to use the rules to seek the remedies that are provided for in the rules.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I would like to call first Bill C-3 on the Coast Guard and then to deal with the other items as they stand on the Order Paper.

#### CANADA SHIPPING ACT CANADA SHIPPING ACT, 2001 CANADA NATIONAL MARINE CONSERVATION AREAS ACT OCEANS ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Furey, for the second reading of Bill C-3, to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

**Hon. W. David Angus:** Honourable senators, I rise today at second reading of Bill C-3, to amend the Canada Shipping Act, the Canada Shipping Act 2001, the Canadian National Marine Conservation Areas Act and the Oceans Act, yet another government reorganization law that purports to consolidate responsibility for Canada's marine safety policy, including the Canadian Coast Guard, under the authority of the Minister of Transport.



In introducing the bill in the other place, the sponsor of the bill for the government stated:

... the content of the statutes affected by Bill C-3 remain otherwise unchanged and as such this Bill is considered to be policy neutral —

— whatever that means.

Therefore, there should be no consideration of significance for stakeholders, the environment or international relations.

He went on to state that the sole purpose of Bill C-3 is to confirm in law a re-organization already introduced by an Order in Council on December 12, 2003, more than 16 months ago.

Frankly, honourable senators, this proposed legislation may well turn out to be “policy neutral” and of a well-intentioned housekeeping nature, but I believe it requires careful study and amendment, if warranted, by the honourable members of the appropriate Senate committee to ensure that its stated intention can be well accomplished and that it will, if enacted, represent good law and good public policy rather than create confusion and waste, as did a certain 1995 Order in Council.

I say this, honourable senators, because of the importance of this legislation for Canada’s national security, its maritime industries and its serious consequences for our delicate marine habitat and environment.

Honourable senators, the said Order in Council of December 2003 reverses a 1995 Order in Council that transferred authority over the Canadian Coast Guard from Transport Canada to the Department of Fisheries and Oceans, an ill-fated, cost-cutting exercise driven by so-called program review that had very unfortunate consequences both for Canada’s international reputation and its maritime industries. The results were the virtual emasculation of Canada’s once-proud Coast Guard as well as the diminution of the Department of Fisheries and Oceans as an effective instrument of public policy and protector of our valuable fishing stocks. This is not the first time this government has made hasty, ill-conceived and detrimental organizational changes without prior stakeholder consultation and proper impact analysis.

When the House of Commons Committee on Fisheries and Oceans became aware of these apparently disastrous consequences, it investigated, held hearings and soon concluded that locating the operations of Canada’s Coast Guard under the control of the Department of Fisheries and Oceans rather than Transport Canada constituted a monumental and costly mistake.

The committee’s report vindicated the complaints of Canada’s maritime community, which was outraged when the surprise change was made without warning by the 1995 Order in Council. The committee’s report was issued in March 2004 and was entitled “Safe, Secure, Sovereign: Reinventing the Canadian Coast Guard.” Among other things, it concluded:

In 1995, the Coast Guard was transferred from Transport Canada to the Department of Fisheries and Oceans (DFO). The merger of the Coast Guard with DFO was difficult and painful. Funding for both departments was significantly reduced in 1994 as a result of Program Review and the integration of two organizations with different structures and corporate cultures added significantly to the challenges faced. In the view of the Committee, the transfer of the Coast Guard to the Department of Fisheries and Oceans has been disastrous for the Coast Guard. The Coast Guard has virtually disappeared within DFO. The combined fleet has been reduced almost to half its pre-merger strength. The average age of the Coast Guard vessels is over 20 years. Almost half have less than five useful years of service left. Fisheries and Coast Guard patrols have for all practical purposes been abandoned. The idea that great cost savings would be realized by merging the two fleets was, in our view, largely an illusion.

Honourable senators, another piece of maritime legislation, Bill C-15, is presently going through the parliamentary process and is being studied by the Standing Senate Committee on Energy, the Environment and Natural Resources. I am concerned that history might possibly be repeating itself here. Again, this government is trying to resolve a maritime issue, namely the deliberate and reckless pollution of Canada’s maritime habitat and environment by oily bilge waste from seagoing ships, through a department other than the Department of Transport. In the case of Bill C-15, it is important to ensure that another major mistake is not being made by placing a clearly marine matter under the supervision and operation of a non-marine department. I wonder if perhaps Bill C-3 and Bill C-15 should be carefully examined together to ensure that they are not contradictory or otherwise in conflict.

Honourable senators, a strong, well-funded and efficiently managed Canadian Coast Guard is not only desirable but imperative if our nation is to have secure and well-monitored coastal waters and a well-protected marine environment and wildlife habitat. To this end, it appears to me, at least, that Bill C-3 is on the right track, but can the same be said of Bill C-15?

In the World Wildlife Fund’s recent report entitled “Sea Birds and Atlantic Canada’s Ship-Source Oil Pollution,” the decline of chronic ship’s source oil pollution incidents in the Netherlands, Germany, the U.K. and the U.S. is credited directly to the increase in effective surveillance by beefing up these nations’ Coast Guard operations. It is not enough to have tough laws; it is also important that our laws be administered by qualified marine pollution experts, backed up by sufficient financial, technical and manpower resources to enable effective enforcement.

It is obvious that more than one government department has a stake in the hands-on protection of Canada’s coastal waters, our fisheries and the marine environment, including Transport Canada, Environment Canada and Fisheries and Oceans, but each has different expertise and terms of reference. Cooperation, teamwork and clear lines of authority between these vastly different authorities are critical. Applicable legislation, therefore, requires careful, prior stakeholder consultation, coupled with attentive study in committee during the legislative process.

I should like to share with honourable senators a shameful example of what can happen and has happened not too long ago where such cooperation went astray and where shameful bureaucratic infighting and legislative confusion embarrassed all Canadians.

The House of Commons Committee on Fisheries and Oceans report referred to above in my remarks today relates the following shocking comedy of errors:

• (1500)

On 8 September 2002, RADARSAT spotted a 116-kilometre oil slick, 70 kilometres south of Havre St. Pierre. The Canadian Coast Guard directed by Fisheries and Oceans officials in St. John's, responded with a surveillance airplane and confirmed that the only ship in the vicinity of the spill was the *Tecam Sea*, a Panamanian-owned, Bahamian-registered ship operated by a Greek company en route to Gibraltar from the Gulf of St. Lawrence.

The *Tecam Sea* incident occurred only a few days following the beginning of a six-month project for the use of satellite technology for environmental monitoring, and a couple of months after the signature of an MOU designed to promote seamless cooperation between DFO, Transport Canada and Environment Canada in order to monitor and control illegal oil pollution in Atlantic Canadian coastal waters.

Environment Canada officials took over the *Tecam Sea* investigation from DFO but found that they could not proceed without technical expertise from Transport Canada. Transport Canada was advised by justice department lawyers not to get involved.

The report continues:

In the meantime, Environment Canada arrested the *Tecam Sea* and charged the captain, chief engineer and the company with dumping oil into Canadian waters.

Remember, honourable senators, that this is a 116-kilometre-long slick of non-dispersible pollutants.

The report continues:

Six charges were laid under the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Canadian Environmental Protection Act*, and two charges under the *Canada Shipping Act*. The charges under the *Migratory Birds Convention Act* had never been used in similar cases. The vessel, the captain and the chief engineer were released on bail.

Together with satellite imagery and Coast Guard surveillance, evidence of significant discharge of oil through the *Tecam Sea's* oily water separator was conclusively established and the chief engineer was unable to account for nearly 15,000 litres of used oil.

Yet, shockingly, honourable senators, in April of 2003, all Canadian authorities involved suddenly dropped the charges that had been brought against the *Tecam Sea*, its owners and crew in

the Newfoundland and Labrador court. Transport Canada declined to be involved in the prosecution based on legal advice. Justice Canada questioned whether Environment Canada had the authority to arrest the captain and direct the ship to port.

This incident, honourable senators, and the clumsy and ultimately hapless response of our government to it sent out the wrong message to international shipping — that Canadian waters can be polluted with impunity. This is not the message that Canada should be sending out.

Honourable senators, with Bill C-3, the government, apparently, is attempting to turn back the clock and return things to the way they use to be with the Coast Guard under Transport Canada, with admiral humility. That may be a good start, but it is not all that is needed. We need profound change, and leadership and genuine commitment from cabinet. In recent weeks, over and over witnesses at the Standing Senate Committee on Energy, the Environment and Natural Resources have told us that the resources of our Coast Guard today are so minimal as to be pitiful. We need to provide Canada's Coast Guard with the necessary resources — monetary, technical and equipment — to effectively accomplish their tasks of surveying and protecting our shorelines, securing our waters and ports, fighting against illegal smuggling of all kinds, preventing pollution of our marine habitat and environment, and protecting our fish stocks and other valuable natural resources.

Honourable senators, I earnestly hope that Bill C-3 is given more than a cursory study in committee so that before giving it third reading in this chamber we can be assured that the bill is indeed policy neutral and appropriate in both form and substance so that it can accomplish its intended results.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Moore, bill referred to the Standing Senate Committee on Transport and Communications.

## PATENT ACT

### BILL TO AMEND—THIRD READING

**Hon. Joseph A. Day** moved third reading of Bill C-29, to amend the Patent Act, as amended.



He said: I would remind honourable senators of the near unanimous support for Bill C-29. The bill is the result of a court decision that reversed a practice that the Commissioner of Patents had been exercising and industry had been following for many years. As a result of the *Dutch Industries Limited* decision, the validity of 60,000 to 80,000 patents was put into question. This amendment to the Patent Act will allow for a retrospective and prospective correction.

The industry is supportive of this bill. It received wide support in the House of Commons. The Intellectual Property Institute of Canada, which is the advising institute for patent matters, is supportive of the bill. At second reading, the Honourable Senator Kelleher indicated his support for the bill.

The bill was referred to committee where we found that one other technical amendment was required. That amendment was spoken to yesterday by the Chair of the Standing Senate Committee on Banking, Trade and Commerce, the Honourable Senator Grafstein.

Honourable senators, I believe that the bill should receive the support of this chamber so that the industry can get on with its business with respect to patents.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, our critic, Senator Kelleher, agreed in principle to the bill at second reading. He has told me that, in light of the comments made that time and during the committee hearings, he is satisfied with the bill as it stands.

**The Hon. the Speaker:** Is the house ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill, as amended, read third time and passed.

• (1510)

## QUARANTINE BILL

### THIRD READING

**Hon. Wilbert J. Keon** moved third reading of Bill C-12, to prevent the introduction and spread of communicable diseases, as amended.

He said: Honourable senators, Bill C-12 was carefully studied in committee, where several amendments were moved. A further amendment was moved by Senator Pépin in the house yesterday. Bill C-12 is absolutely essential to the function of the new Public Health Agency of Canada, which is of tremendous importance to our country, as honourable senators learned during Question Period today. As such, I would ask honourable senators to give third reading to Bill C-12, as amended.

[ Senator Day ]

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill, as amended, read third time and passed.

## PARLIAMENT OF CANADA ACT SALARIES ACT

### BILL TO AMEND—SECOND READING

**Hon. Jack Austin (Leader of the Government)** moved second reading of Bill C-30, to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts.

He said: Honourable senators, I am pleased to move second reading of Bill C-30 respecting parliamentary compensation.

[Translation]

As you know, under our current compensation system, the salaries of parliamentarians are linked to those of judges. Last September, the government made a commitment to link increases in the remuneration of parliamentarians to the increases that other Canadians receive and to break the link between the salaries of parliamentarians and judges. Bill C-30 is the fulfilment of that commitment. There will be no further link between the salaries of members of Parliament and senators and those of members of the judiciary.

From now on, our increases in compensation will be on a par with those that other Canadians receive. After all, we are here to serve them.

[English]

I will outline the key elements of the proposed parliamentary compensation system. Bill C-30 makes specific reference to an annual index published by the Department of Human Resources and Skills Development. This index tracks average annual salary increases negotiated through collective bargaining for private-sector units with 500 or more workers, representing approximately 800,000 employees across Canada. This index is known as the Major Wage Settlements index and is published every February, documenting the wage changes of the previous calendar year. This index will serve as a benchmark to determine the salary increase that we would receive. In choosing the Major Wage Settlements index as the basis for future parliamentary compensation increases, the government examined a range of wage indexes, including the Consumer Price Index or the Canadian Industrial Aggregate Index.

[Translation]

The problem with the Consumer Price Index is that increases in compensation would not be directly related to the increases that other Canadians receive.

In addition, the Consumer Price Index reacts to external factors such as fluctuations in the world price of oil. I am sure you will agree that would make for a rather unstable index.

The Industrial Aggregate Index reflects wage settlements in both the private sector and the public sector. Since the government negotiates with professional groups in the public sector and Parliament could be called on to legislate public service salaries, it would be inappropriate that our compensation should be tied to an index that takes into account wage settlements in the public sector.

[English]

The only publicly available private-sector wage index is the Major Wage Settlements index. Under the current system, judges' salaries and, therefore, those of parliamentarians are adjusted two ways: first, annually in accordance with the Canadian Industrial Aggregate Index; and second, increases adopted by Parliament to respond to the recommendations of the quadrennial Judicial Compensation and Benefits Commission. Under the current system, our 2004 salaries were \$116,000 and for 2005 will be \$119,100, plus any retroactive increase Parliament provides in the adjustment to judges' salaries. Under Bill C-30, our 2004 salary is \$116,200. For 2005, according to the HRSD index proposed in Bill C-30, there is a 2.2 per cent increase in our salaries, resulting in a salary of \$119,300.

Honourable senators will recall that the parliamentary compensation changes we passed in 2001 abolished the tax-free allowance, which was then adjusted by an amount of salary on which income tax is paid. Historically, the salary of senators lagged behind the salary of members of the House of Commons. Notionally, the basis was that the House of Commons members had additional costs related to constituency work, costs that were not impressed on senators. In 2001, the salary difference was \$25,000. We kept that \$25,000 differential between salaries for senators and members of the House of Commons.

If we had simply applied a percentage change, there would have been a gradual widening of the differential between members of the two Houses. I want to reassure senators that the \$25,000 salary difference remains unchanged in Bill C-30.

The simple purpose of Bill C-30 is to establish a new method of indexation and allowances for members of Parliament and ministers that is de-linked from the judiciary and in line with average wage increases received by Canadians. The changes proposed in Bill C-30 would come into force on April 1, 2004, since this is the date to which the changes in salaries proposed by the quadrennial Judicial Compensation and Benefits Commission under the current system would take effect. It would appear, as I said earlier, that in fiscal 2003-04 and in fiscal 2004-05, there is no actual cash loss to senators but an actual gain of about \$200 on a yearly basis.

[Translation]

In my view, the proposed index in Bill C-30 constitutes an adequate base for calculation of adjustments to the compensation of parliamentarians. It is a fair and open solution corresponding to the increases of other Canadians.

It is an authoritative index in Canada and one whose accuracy is not disputed. In fact, it is frequently quoted by governments, universities and major financial institutions.

[English]

I firmly believe that de-linking our salaries and those of judges is the right thing to do. It is fair both to us and to Canadians. I am pleased that Bill C-30 was supported in the other place by the official opposition. I believe that Bill C-30 will also be seen by honourable senators on both sides to be a fair and reasonable approach to compensation matters.

• (1520)

[Translation]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, I rise today to give my support to Bill C-30, which would delink the salaries of parliamentarians from those of members of the judiciary.

[English]

Back in 2001, we passed Bill C-28 into law and ended the awkward situation that we as parliamentarians found ourselves in, of having to directly set out our own salaries.

That bill grew out of the Lumley commission review of parliamentary salaries. The commission found that we, senators and members of Parliament, were underpaid compared to the private sector, senior public servants, union leaders, judges and people appointed to federal Crown corporations.

The commission recommended setting up a mechanism that would establish our salaries by tying them to the salaries of the judiciary. It also recommended that the Prime Minister would earn the same pay as the Chief Justice of the Supreme Court, that other parliamentarians would receive a 20 per cent increase in pay and that committee chairs would be paid for their additional responsibilities. This mechanism seemed to make sense.

With Bill C-28, the salaries of the members of the House of Commons were set at 50 per cent of that of the Chief Justice, and senators' salaries were set at \$25,000 below that level. Everything appeared to be fine. We were no longer in what was effectively a conflict of interest situation where we set our own salaries. Instead, an independent system was put into place that would determine what they would be.

Unfortunately, there was a glitch in the method, which we did not foresee. Perhaps we did not adequately examine all the possible scenarios.

Every four years, the Judicial Compensation and Benefits Commission reviews judges' salaries. Last May, it recommended an increase in the salary of the Chief Justice of the Supreme Court to \$308,400, with future years indexed to inflation. This is an increase that, as was mentioned in the other place, is almost four times the average Canadian increase in wages.



Debate over the appropriateness of this increase will be left to another day, but one thing is clear: This pay increase would have had major implications for those of us whose salaries were tied to the salary of the Chief Justice. She has not yet received this salary increase, but if the recommendation were to go into effect, under the law, MPs' salaries would jump from \$141,200 to \$154,200, an increase of almost 10 per cent, retroactive to April 2004. Senators would receive \$25,000 less, for a total of \$129,200.

This is a jump that is just not fair. This is a jump that Canadians could not accept that I could not accept and, I would hope, that none of the members of this chamber could accept.

Honourable senators, we need to unhook our salaries from that of the Chief Justice before a wage increase of this proportion could possibly happen. That is why we needed this legislation.

With Bill C-30, starting this month, April 2005, salary increases for the members of the House of Commons will be based on collective agreements for workers employed by private sector firms with more than 500 employees. This will include some 431 collective agreements involving more than 800,000 employees across Canada.

Public servants are not included in this group because we may have to legislate on their salaries at some point in the future. In doing so, we would find ourselves back in the old unwanted situation of legislating indirectly on our own salaries.

The bottom line is that with this bill, the salary changes we receive will reflect the salary changes received by all Canadians. Our salaries in the Senate will remain pegged at \$25,000 below those of the members of the House of Commons, and this, I think, is deemed fair.

Bill C-30 keeps a couple of key principles that we all worked hard to put into place under the old Bill C-28. First, MPs and senators will not be voting on their own salaries. Second, a mechanism will be put in place that we all agree upon, one that provides for changes in our salaries. Bill C-30 improves upon this by ensuring those changes reflect the changes in the salaries of all Canadians.

To be honest, honourable senators, this is a difficult topic to be debating in Parliament. After all, we are talking about our salaries here, salaries which we receive from the people of Canada. However, I do believe that we have finally found, at least hopefully, a solution that is workable, fair and acceptable to members of Parliament, to senators, and to the people we work for, to the men and women of Canada.

I urge honourable senators to move quickly and ensure that this legislation passes into law.

**The Hon. the Speaker pro tempore:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Austin, seconded by the Honourable Senator Rompkey, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Austin, bill referred to the Standing Senate Committee on National Finance.

## NATIONAL CANCER STRATEGY BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-26, to provide for a national cancer strategy.—(Honourable Senator Rompkey, P.C.)

**Hon. Sharon Carstairs:** Honourable senators, I want to begin by thanking the Honourable Senator Forrestall for introducing Bill S-26, to provide for a national cancer strategy. There is no doubt in my mind that a national cancer strategy is very much needed in Canada. I am on the record in an inquiry in this place a year ago of my support for the concept.

Let me give this chamber just a few facts. The number of new cancer cases in Canada is increasing. The rate of increase is climbing faster relative to all other diseases. Cancer kills more people in Canada than strokes, respiratory disease, pneumonia, diabetes, liver diseases and HIV/AIDS combined.

No pan-Canadian plan is in place to manage these increasing numbers, and Canada trails other nations that have identified cancer as a national health priority — for example, Finland, New Zealand, Australia, Ireland and the United Kingdom.

Regrettably, however, the bill presented before us is not the piece of legislation I think it should be. For example, it neglects the fact that there is at present the Canadian Strategy for Cancer Control, which has been developed and is currently being implemented, albeit very slowly, because of inadequate funding. It requires an infusion of funding similar to the Canadian Diabetes Strategy and the HIV/AIDS strategy if it is to succeed.

This strategy has brought together cancer agencies from across this country. Physicians, nurses and cancer survivors have worked on this strategy, and its five-year action plan and its evaluation plan should, in my view, serve as the firm basis for the further development of a national cancer strategy; yet, it is tragically not mentioned in this bill.

Honourable senators, it is not in the best interests of the long-term treatment and/or cause of cancer that the process begin again when such a very good amount of work has already been completed.

In addition, the consultation process described in clause 3 of this bill is far too narrow. The bill envisages that the strategy would require consultation with provinces, territories and

registered charities primarily concerned with funding into cancer. However, the bill makes no reference to the national and provincial organizations and entities that have a major and, in some cases, unitary interest in cancer controls, for example, the Canadian Association of Provincial Cancer Agencies, provincial cancer agencies and programs, professional societies, palliative care organizations provincial and national, the Canadian Coalition on Cancer Surveillance, the Cancer Research Alliance, the Canadian Institute for Cancer Research and cancer advocacy groups. Without this broad-ranging consultation, Canadians will not get the strategy that they truly need.

• (1530)

In paragraph 4(a), the bill states that the objective of the bill is "to finance research in Canada into the causes of cancer and its most effective treatments." This is a much too narrow a scope of action. The proposed national cancer strategy should address the full spectrum of cancer control, not just research and treatment. The strategy should also address primary prevention, screening for cancer, diagnostic improvements, rehabilitation surveillance, supportive care, palliative care, human resources and enhanced cancer surveillance, all coordinated and planned nationally but implemented at the provincial, regional and local levels. That is what the Canadian strategy for cancer control envisages and what in my view is absolutely essential if we are to achieve the needed objectives of making progress in effectively dealing with cancer and its growth in this country.

Paragraph 4(a) also provides that the national strategy applies only to those "provinces that agree to participate in the strategy." I am concerned that there seems to be the presumption that some provinces or territories would not want to participate. While this might be a pragmatic approach, I think it is unfortunate wording.

Honourable senators, the diabetes strategy receives \$18 million per year and an additional \$25 million for the Aboriginal diabetes strategy. The HIV/AIDS strategy has been increased to \$84 million, while cancer, the second-highest killer of Canadians, received \$500,000 last year.

Honourable senators, the bill as it is presently before us brings much-needed attention to the need for a national cancer strategy; regrettably, however, it does not go far enough. Bill S-26 needs many amendments. I have spoken to the Honourable Senator Forrestall, who has agreed that we should be able to find acceptable, friendly amendments, so that we can get the very best national cancer strategy for all Canadians.

On motion of Senator Rompkey, debate adjourned.

## CRIMINAL CODE

### BILL TO AMEND—REPORT OF COMMITTEE— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Dallaire, for adoption of the sixth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-11, to amend the Criminal Code (lottery schemes), with amendments and observations) presented in the Senate on April 12, 2005.—(Honourable Senator Eyton)

**Hon. Lise Bacon:** Honourable senators, Senator Stratton has a copy of the dissenting observations from Senator Eyton.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Unfortunately, Senator Eyton cannot give his speech today. I understand he will do so next week.

Order stands.

## STUDY ON DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

### REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming consideration of the second report of the Standing Senate Committee on Agriculture and Forestry, entitled: *Value-added Agriculture in Canada*, tabled in the Senate on December 14, 2004.—(Honourable Senator Fairbairn, P.C.)

**Hon. Catherine S. Callbeck:** Honourable senators, the adjournment stands in the name of Senator Fairbairn, but she has agreed that I will speak today and adjourn the matter in her name.

Over the past 18 months, the Standing Senate Committee on Agriculture and Forestry has been discussing an issue that is one of the key factors affecting the future of agriculture in the food industry in this country. That issue relates to the development and marketing of value-added agricultural and food products, not only for domestic markets but as well for markets around the world. The report has now been completed and tabled. Today, I want to comment on the general thrust of its recommendations.

First, I should like to express my appreciation to the wide range of people who shared their insights and perspectives before the committee. Those people represented a broad cross-section of agriculture in the food industry in this country. Their representations reflected their deep commitment to the future of this industry, which is so critical to our economy and to our way of life.

Far too many people take the food they eat for granted. As well, far too many people are not aware of the struggles and challenges facing Canadian farmers who produce safe, nutritious, high-quality products at affordable prices.

Canadians benefit from the lowest food costs of any industrial country in the world. The reason for that is the efforts of men and women across this country whose hard work and innovation has made our agriculture and food industry one of the most efficient and progressive in the world.

Unfortunately, Canadian farmers are not benefiting from the fruits of their labours. Over the past number of years, while they have increased production, Canadian farmers have seen their relative share of the food dollar decline. They have made



significant investments, but have seen their profit margins continue to drop. They are producing more and better products but are dealing with a marketplace that is becoming more concentrated and over which they have less control. Canadian farmers have been forward-looking and innovative but are facing competition from other countries that are more highly subsidized, which does not result in a level playing field internationally.

We are fast approaching the point at which the entire Canadian agricultural industry will be seriously at risk. We are coming to a point where many are losing confidence in the future of the industry. Canadian agriculture is at a crossroads and needs a strong and concerted action if this vital part of our economy is to survive and prosper. In short, honourable senators, the problems are real and immediate, and they need to be resolved if we are to have a strong and growing agriculture and food industry in this country.

Over the past several years, producers across this country have experienced drought. They have had to deal with the consequences of the BSE crisis. They are facing a stronger Canadian dollar and they continue to grapple with the long-term, resistant trends in the industry that adversely affect their operations.

While the federal, provincial and territorial governments continue to respond to the needs of producers, there is a growing recognition of the need for all parties to work together to deal with the long-term decline in farm income. That is why I hope the recommendations contained in the standing committee's report will help to address these and other problems currently faced by the industry.

In summary, honourable senators, the thrust of the recommendations is aimed at helping Canadian producers increase their share of the food dollar. Value-added activities are those that help producers improve or stabilize their income or profits. It is all about creating new opportunities for producers to achieve a more equitable share of the value of their products.

As pointed out in the report, the transformation experienced in Canadian agriculture over the past two decades has been the result of the growth of the value-added sector. That sector is now the fastest growing component of the entire industry. The increasing importance of value-added initiatives is illustrated by changes in consumer demand. Consumers want convenience, quality, safety and value in their food products. Responding to those demands has made the food industry highly competitive and has put increased pressure on primary producers. Their declining share of the food dollar reflects the increased concentration in the food industry and producers are looking for new ways to extract higher returns from the food value chain.

Unfortunately, primary producers have not fully shared in the growth of the value-added sector, which is one of the reasons they continue to fall behind. At the same time, the lack of growth in the value-added sector has resulted in a loss of opportunities for the economy as a whole.

• (1540)

Some recent developments in the beef industry provide an excellent example of what I am talking about. The BSE crisis has underscored the extent to which this country is dependent on exports. Before May 2003, Canada exported over \$4 billion worth of beef and beef products to international markets. Of that, roughly 80 per cent was exported to the United States. Of our total exports to the United States' market, \$1.8 billion was in the form of live cattle. That number not only serves to point out the importance of reopening the U.S. border to exports of live cattle, it also serves to point out the loss of economic and employment opportunities in Canada. Were these live cattle to be processed in Canada before being exported, it would provide significant new economic and employment opportunities in this country.

The fact is that Canada has approximately less than half the processing capacity required for the size of the Canadian cattle herd. That is why I applaud the federal Minister of Agriculture for the announcement this past September of measures to help reposition the Canadian livestock industry. These measures include support and encouragement for more processing capacity and efforts to expand international markets. Such measures will lessen our dependency and provide more value-added opportunities for the livestock industry.

In March, the Government of Canada announced that \$50 million will go to the Canadian Cattlemen's Association Legacy Fund to help launch an aggressive marketing campaign for Canadian beef. This campaign is expected to increase exports in order to reclaim and even expand the market for Canadian beef.

As I said earlier, one of the main reasons for examining value-added opportunities is to help producers achieve higher returns from the marketplace. Again, there is an excellent example in the livestock industry in my region of how this can be accomplished.

Beef producers from across the Atlantic provinces have joined together in a cooperative to build and to operate their own beef plant. While this proposal was being considered before the BSE crisis, it has taken on additional importance since then. The plant was established in partnership with Co-op Atlantic, a maritime retail chain, and will supply the retailer with a maritime-branded beef product.

Representatives of the cooperative came before the standing committee and told about how they are confident the plant will strengthen their overall position in the marketplace. By assuming responsibility for further processing, beef producers have moved up the value chain. They have secured a market for their cattle. They have created a branded product that has achieved major success in the marketplace.

In short, through this value-added initiative, they have taken more control over their own industry, and they look forward to more stable returns. This is an excellent example of a value-added enterprise that has been undertaken by producers themselves which addresses some of the challenges they face in obtaining their fair share of the value of their products. I want to commend the Atlantic Beef Producers Cooperative for this project and wish them every success.

As pointed out in the report, there are a number of ways to increase value-added initiatives in the agriculture and food industry. Some of these, such as improving food safety and quality, can be done industry or commodity wide and, given the demand for safe, high-quality products, can result in an increase in market share and higher prices.

Branding represents opportunities for producers or producer groups to create a different product to earn consumer loyalty and, hopefully, improve returns. New value chains are creating opportunities at the producer level as they work with processors and retailers to deliver particular attributes that are desired by consumers.

The report also recommends action on a number of specific initiatives, including organic agriculture, which is experiencing growth rates of up to 20 per cent a year; direct selling, which strengthens the relationship between food producers and consumers and enables producers to capture a greater share of the value of their products; and increased support and encouragement for producer-owned processing operations. I commend these recommendations for the consideration of all honourable senators.

Farmers must not be the weak link in the food value chain. They need a fair return on their investments and labour if they are to continue to be able to supply safe, high-quality products at competitive and affordable prices in domestic and international markets.

As agriculture is of such fundamental importance to the well-being of many rural areas across Canada, we need a vibrant, dynamic agriculture industry. Value-added activities help to improve and stabilize incomes for producers and also lead to new economic and employment opportunities for rural people. That is why I want to see an ongoing discussion on how to help create these opportunities. I am confident that this report of the standing committee will help contribute to that discussion.

On motion of Senator Rompkey, debate adjourned.

## THE SENATE

### RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (full name of the Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.—(Honourable Senator Rompkey, P.C.)

**Hon. Eymard G. Corbin:** Honourable senators, I rise on a point of order with respect to Motion No. 58, which is Senator Lavigne's motion regarding the oath of allegiance. Is the Deputy Leader of the Government in the Senate standing this order in his own name or on behalf of another senator?

I am not sure if this is a proper inquiry to make, but I am somewhat nosy. I went back to the debate in which the Leader of the Government in the Senate spoke and suggested that if Senator Lavigne would agree to amend his motion, which would have the effect of making the taking of an oath of allegiance to Canada not obligatory, he could possibly obtain substantial support on the part of honourable senators.

I have heard rumours third-hand to the effect that I was opposed to that suggestion, which bothers me. I want to make it quite clear that even though I may be rigorous when it comes to the taking of an oath of allegiance to Her Majesty Queen Elizabeth II, I recall saying in debate that, come what may, if the house decides to proceed with Senator Lavigne's motion, I could live with it. However, I could live with it even more easily if this were not an obligatory oath to Canada. I am trying to put things in the proper perspective.

Could Senator Rompkey inform me as to whether this matter is dead in its tracks or whether another senator will proceed with an amendment, as suggested by Senator Austin?

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, this matter is certainly not dead in its tracks. An amendment is being considered in consultation with Senator Lavigne. We are trying to decide how best to do that. The bill is very much alive. There seems to be a growing agreement to amend it. The question is: How do we do that? I would ask that the order stand until we have thought that through.

Order stands.

• (1550)

## NATIONAL EARLY LEARNING AND CHILD CARE PROGRAM

### INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Losier-Cool calling the attention of the Senate to the future national early learning and child care program, and in particular to the staff that will provide the services offered under this program.—(Honourable Senator Cochrane)

**Hon. Ethel Cochrane:** Honourable senators, I rise today to turn our attention once again to the proposed national early learning and child care program.

As you will recall in the last federal budget, government pledged \$5 billion over five years to kick start a program of universally inclusive, accessible and developmental early learning and child care.



According to Prime Minister Paul Martin, this initiative will provide young parents with the confidence that their children are indeed getting the high quality and developmental care they would want and expect. Frankly, Canadians have been calling on government to develop an affordable national child care program for years. Results from a survey conducted in January 2003, for instance, show that 90 per cent of Canadians either strongly agree or agree that quality child care is essential to the prosperity of Canada.

Surely all honourable senators can concur that the country will be among the chief beneficiaries once our children and families have access to quality child care. It will foster social, economic and equality gains, to name just a few.

There are even greater reasons to implement this initiative. It is my personal belief that every Canadian child deserves, as a matter of right, not of privilege, to begin school ready to learn and grow. I am hopeful that government's decision to allocate funds to this area is based on that same belief. Indeed, the announcement in the budget followed directly upon the recent Speech from the Throne which emphasized the importance of providing children with real opportunities to learn.

As a former elementary school teacher, I have long felt that our expectations for our children are too low. In my classrooms over the years, I have been awestruck by the capacities of the children. I have marvelled at how these brains can absorb so much new information. It truly inspired me to see how the little ones were always so eager to learn and so open to everything to which they were introduced. To me, they appeared to be like little sponges with endless potential.

Yet, then as now, access to adequate opportunities to learn and develop was inconsistent at best. Part of the problem, as I see it — and I have read studies that support this argument — is that early education and child care are not grouped under the same umbrella.

A report published last fall by the Organization for Economic Cooperation and Development, the OECD, says that Canada's approach in this regard is not unique. The norm in a majority of OECD countries is to have separate systems for education and care. While older children around ages four or five are offered a free half-day session of early education in the form of kindergarten, day-long child care for younger children has generally occurred under the auspices of social, health or community programming.

I believe this division is the crux of our problem. The OECD report entitled *Early Childhood Education and Care Policy* suggests that this division gives rise to a number of serious issues. Among the problems identified are: under investment in child care; inadequate learning approaches; policy and service delivery confusion; different staff learning training levels; and poorer qualification requirements and working conditions for child care staff. These are important issues. This debate is needed in Canada.

Honourable senators, 60 years ago this discussion would not have taken place here. This issue is relevant today because, as we all recognize, Canada has undergone a dramatic demographic shift in recent generations. Today, young Canadians are working more hours. They are postponing marriage and parenthood until later than ever before. I know that for a fact because I have six children, four of whom are girls.

**Senator Rompkey:** Hear, hear!

**Senator Cochrane:** When they do have children, they are not out of the workforce for very long.

Statistics show that almost nine out of 10 Canadian women return to work within the first year after giving birth. Consider for instance that there are currently over 2 million children under the age of six in Canada. More than half of those — that is 1.3 million — have mothers who are in the paid labour force. Honourable senators, that is a significant number.

Canada benefits when mothers return to the paid labour force. After all, the skills that these women possess are needed in industry and commerce. Their participation broadens and strengthens our tax base. Unfortunately, however, our policies have not adapted to meet these demands of the changing demographics. We have not kept pace with the realities of today's workforce and its implications for Canadian families and society as a whole.

It is heartening, therefore, that the most recent Speech from the Throne and the federal budget signalled Canada's commitment to exploring this issue and addressing the needs of Canadian families. The Prime Minister has cited the need for a high-quality system, open and available to all, affordable and geared to development, one that will level the playing field for children who are disadvantaged by birth or background.

On this point, he is supported by the vast majority of research. The OECD reports that, for example, when a system for early childhood services is subsidized and overseen by government, it "yields better results for both mainstream and disadvantaged children than a multiplicity of special services funded in response to family crises or social pressures." It is important that parents who participate in the paid workforce know that the needs of their children are being met in a child-focused environment that nurtures their minds and their spirits and encourages the development of their talents and skills. It is also important that quality child care be accessible to all Canadians, regardless of their income. On this front, Canada's record to date has been very poor.

For young families, child care costs represent a large portion of their monthly expenses. According to the report by Campaign 2000, child care is often the second biggest expense, just behind housing costs.

• (1600)

For example, in the City of St. John's, a parent who has a child out in daycare will pay \$120 a week for 52 weeks. That is \$480 a month, which represents \$6,240 a year per child. That is a lot of money.

I understand — and I have been researching this quite thoroughly — that in other provinces some of these costs are even higher. It is phenomenal. This point was reiterated by the OECD report, which suggests that these high costs create a situation where parents are obliged to place their children in unregistered family daycare environments. This situation, the report says, “may be described as one of high stress for mothers and poor-quality services for young children.”

This quote leads me to one of the most important points I derived from the OECD report, and one that is particularly salient to the discussion here today. It relates to our collective attitudes toward and expectations of early education and child care.

According to the report, Canada:

...compares strikingly with some OECD countries, e.g., Denmark, Finland and Sweden, where all demand is met, and quality service is considered an entitlement for families which local government is obliged to provide. In these countries too, parents can rely on the early childhood centre to contribute to the development and well-being of their young children, a consideration that sometimes appears secondary in the Canadian popular debate.

When comparing Canada to her European counterparts, a striking difference also arises in the funding of child care programs. The European Union reportedly recommends at least 1 per cent of GDP be targeted annually to publicly funded child care in its member states. The Campaign 2000 report notes that many exceed this recommendation. Can you imagine, 1 per cent of the GDP? It is interesting to note that 1 per cent of Canada's GDP would be approximately \$10 billion. Suddenly, if we use this standard, government's plan to invest \$5 billion over five years seems painfully short of that mark.

Honourable senators, the importance of early childhood education and quality child care cannot be overstated, nor should its value to Canada in economic terms be overlooked. In his reply to the Speech from the Throne, the Prime Minister said: “A high-quality system, open and available to all, affordable and geared to development ...” provides “... benefits to our economy...but most importantly, to the lives and the future of our youngest Canadians.”

Recent remarks made by the Governor of the Bank of Canada on the future of our workforce also touched on this same theme. David Dodge said:

...the first step to improving skills is to build an excellent infrastructure for early childhood development, feeding into a school system that effectively teaches basic skills if we are to boost literacy and numeracy rates among students.

I wholeheartedly agree with his statements.

I also believe that a person's ability to seize learning opportunities is fundamental to their success. I have seen it first-hand in my career as an educator and, indeed, in my personal life. While I am encouraged to see that this important issue has finally penetrated Canada's political agenda, I know that \$5 billion over 5 years represents a very humble start.

The Prime Minister himself has conceded that “federal support will need to be ongoing beyond these initial years.” It is my sincere hope that this support not only continues for years to come but that it grows exponentially so that all Canadian children — in communities across this country — are given the best possible start in life.

**The Hon. the Speaker:** If no other senator wishes to speak, this inquiry will be considered debated.

## ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h) and rule 13(1), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 19, 2005, at 2 p.m.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 19, 2005, at 2 p.m.



# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, April 14, 2005

(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0			

### GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-3	Bill, C-3, An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21	05/04/14	Transport and Communications					
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance	05/04/14	0			
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology	05/04/12	2	05/04/14		
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce	05/04/12	2	05/04/14		
C-30	An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts	05/04/13	05/04/14	National Finance					
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07							
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 2, 2004-2005</i> )	04/12/13	04/12/14	-	-	-	04/12/15	04/12/15	27/04



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 3, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 4, 2004-2005</i> )	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 ( <i>Appropriation Act No. 1, 2005-2006</i> )	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs	05/04/12	2 observations			
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10	05/03/23	Banking, Trade and Commerce					
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17							

# CONTENTS

Thursday, April 14, 2005

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Asia-Pacific Parliamentary Forum</b>	
<b>Senate</b>		Thirteenth Annual Meeting, January 10-13, 2005—Report Tabled.	
Remarks Withdrawn.		Hon. Joseph A. Day . . . . .	1041
Hon. Gerry St. Germain . . . . .	1037	<b>Rules, Procedures and the Rights of Parliament</b>	
Hon. Jack Austin . . . . .	1037	Motion to Allow Reintroduction of Bills From One Parliamentary Session to Next.	
Comments of Leader of the Government.		Hon. Céline Hervieux-Payette . . . . .	1041
Hon. David Tkachuk . . . . .	1037		
<b>World Health Day</b>		<b>QUESTION PERIOD</b>	
Hon. Lucie Pépin . . . . .	1037	<b>Justice</b>	
<b>Journalists Killed in Line of Duty</b>		Air India Bombing—Judicial Inquiry into Investigation.	
Hon. Joan Fraser . . . . .	1038	Hon. A. Raynell Andreychuk . . . . .	1041
<b>International Day of La Francophonie</b>		Hon. Jack Austin . . . . .	1042
Hon. Pierrette Ringuette . . . . .	1038	<b>The Environment</b>	
<b>Day</b>		Kyoto Protocol—Plan of Compliance.	
Hon. Mobina S. B. Jaffer . . . . .	1038	Hon. Terry Stratton . . . . .	1042
<b>Yukon Day</b>		Hon. Jack Austin . . . . .	1042
Hon. Terry M. Mercer . . . . .	1039	Newfoundland and Labrador—	
		Reliability of Weather Forecasting and Storm Tracking.	
		Hon. Ethel Cochrane . . . . .	1043
		Hon. Jack Austin . . . . .	1043
<b>ROUTINE PROCEEDINGS</b>		<b>Health</b>	
<b>International Day of La Francophonie</b>		Test Kits Containing Mislabeled Strain of Influenza—	
Resolution Tabled.		Responsibility for Testing Workers in Affected Labs.	
Hon. Pierrette Ringuette . . . . .	1039	Hon. Wilbert J. Keon . . . . .	1043
<b>Kyoto Protocol</b>		Hon. Jack Austin . . . . .	1043
Plan of Compliance Tabled.		Review of Procedure Surrounding Importation of Virus Samples.	
Hon. Bill Rompkey . . . . .	1039	Hon. Wilbert J. Keon . . . . .	1044
<b>Journal Economy, Budgets and Administration</b>		Hon. Jack Austin . . . . .	1044
Fourth Report of Committee Presented.		<b>International Trade</b>	
Hon. George J. Furey . . . . .	1039	Bovine Spongiform Encephalopathy—	
<b>Original Peoples</b>		Discussions with United States Cattle Industry Associations.	
Budget—Report of Committee on Study of Involvement of		Hon. Leonard J. Gustafson . . . . .	1044
Original Communities and Businesses in Economic		Hon. Jack Austin . . . . .	1044
Development Activities Presented.		<b>Agriculture and Agri-Food</b>	
Hon. Gerry St. Germain . . . . .	1039	Bovine Spongiform Encephalopathy—	
<b>Financial Administration Act</b>		Class-Action Suit by Coalition of Canadian Farmers.	
Canada School of Public Service Act		Hon. Leonard J. Gustafson . . . . .	1044
Official Languages Act (Bill C-8)		Hon. Jack Austin . . . . .	1044
Bill to Amend—Report of Committee.		Bovine Spongiform Encephalopathy—Aid to Cattle Industry—	
Hon. Joseph A. Day . . . . .	1040	Culling of Older Animals.	
<b>Foreign Affairs</b>		Hon. Gerry St. Germain . . . . .	1044
Budget and Authorization to Engage Services and Travel—		Hon. Jack Austin . . . . .	1045
Report of Committee on Study of Matters Related		<b>Rules, Procedures and the Rights of Parliament</b>	
to Africa Presented.		Testimony of Witnesses Before Agriculture and Forestry	
Hon. Consiglio Di Nino . . . . .	1040	Committee Resulting in their Dismissal—Request for Information.	
Budget and Authorization to Engage Services and Travel—		Hon. Noël A. Kinsella . . . . .	1045
Report of Committee on Study of Issues Related		Hon. David P. Smith . . . . .	1045
to Foreign Affairs Presented.		Rules Governing Use of Senators' Statements—	
Hon. Consiglio Di Nino . . . . .	1041	Request for Review.	
<b>Canada-China Legislative Association</b>		Hon. Jack Austin . . . . .	1045
Tenth Bilateral Meeting, October 29-November 9, 2004—		Hon. David P. Smith . . . . .	1045
Report Tabled.		<b>Delayed Answer to Oral Questions</b>	
Hon. Joseph A. Day . . . . .	1041	Hon. Bill Rompkey . . . . .	1045
		<b>Citizenship and Immigration</b>	
		Interception of Fraudulent Documents.	
		Question by Senator Andreychuk.	
		Hon. Bill Rompkey (Delayed Answer) . . . . .	1045



PAGE

<b>Business of the Senate</b>	
Point of Order—Request for Speaker's Ruling Withdrawn.	1047
Hon. Jeremiah S. Grafstein	
<b>Point of Order</b>	
Hon. David Tkachuk	1047
Hon. Jack Austin	1047
Hon. Terry Stratton	1048
Hon. Marcel Prud'homme	1049
The Hon. the Speaker	1049

## ORDERS OF THE DAY

<b>Business of the Senate</b>	
Hon. Bill Rompkey	1049
<b>Canada Shipping Act</b>	
<b>Canada Shipping Act, 2001</b>	
<b>Canada National Marine Conservation Areas Act</b>	
<b>Oceans Act (Bill C-3)</b>	
Bill to Amend—Second Reading.	
Hon. W. David Angus	1049
Referred to Committee	1051
<b>Patent Act (Bill C-29)</b>	
Bill to Amend—Third Reading.	
Hon. Joseph A. Day	1051
Hon. Terry Stratton	1052
<b>Quarantine Bill (Bill C-12)</b>	
Third Reading.	
Hon. Wilbert J. Keon	1052

PAGE

<b>Parliament of Canada Act</b>	
<b>Salaries Act (Bill C-30)</b>	
Bill to Amend—Second Reading.	1052
Hon. Jack Austin	1053
Hon. Terry Stratton	1053
Referred to Committee	1054
<b>National Cancer Strategy Bill (Bill S-26)</b>	
Second Reading—Debate Continued.	
Hon. Sharon Carstairs	1054
<b>Criminal Code (Bill S-11)</b>	
Bill to Amend—Report of Committee—Order Stands.	
Hon. Lise Bacon	1055
Hon. Terry Stratton	1055
<b>Study on Development and Marketing of Value-added Agricultural, Agri-food and Forest Products</b>	
Report of Agriculture and Forestry Committee—Debate Continued.	
Hon. Catherine S. Callbeck	1055
<b>The Senate</b>	
Rules of the Senate—Motion to Change Rule 135—Oath of Allegiance—Order Stands.	
Hon. Eymard G. Corbin	1057
Hon. Bill Rompkey	1057
<b>National Early Learning and Child Care Program</b>	
Inquiry.	
Hon. Ethel Cochrane	1057
<b>Adjournment</b>	
Hon. Bill Rompkey	1059
<b>Progress of Legislation</b>	













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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, April 19, 2005**

—

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, April 19, 2005

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of participants in the Parliamentary Officers' Study Program. We also have representatives of the Secrétariat général of the Assemblée parlementaire de la Francophonie, the Benin National Assembly, the Senate and the National Assembly of Cambodia, the Cameroon National Assembly, the Parliamentary Centre of Canada and the Quebec National Assembly.

On behalf of all senators, welcome.

[English]

We have as well, honourable senators, in our gallery, members of the Nattivak Hunters and Trappers Association in Qikiqtarjuaq, Nunavut, members of the Torngat Fish Producers Co-operative Society in Makkovik, Newfoundland and Labrador, as well as Mr. Wally Anderson, MHA for St. John's, Newfoundland and Labrador. They are the guests of Senator Adams. Welcome to the Senate of Canada.

## SENATORS' STATEMENTS

### LIVING WILLS

**Hon. Sharon Carstairs:** Honourable senators, recently our newspapers, radios and televisions were filled with the struggle between the husband of a woman in a persistent vegetative state and her parents. What these events outlined for me is the importance of having an advanced directive, often called a living will.

Honourable senators, it is not fair to leave spouses and children without clear direction about our wishes at the end of our lives. Do we wish to be put on a ventilator? Do we want artificial hydration or nutrition through intravenous or a feeding tube? These are choices that each and every one of us should make when we are well. Legislation is available across this country making such directives legal. However, they have no real value if we do not have a directive or if no one else knows we have one.

The report of the Euthanasia and Assisted Suicide Committee, *Of Life and Death*, and the subsequent report, *Quality End-of-Life Care: The Right of Every Canadian*, made it clear that the most important part of an advanced directive is the discussion with families of your intentions. Both my parents were on ventilators

at the end of their lives. In both cases, I was the family member who had to order the ventilator removed. It is not an easy thing to do, but when you do it with the comfort of knowing that this is what the loved one wanted, you do it as an act of love.

I have recently updated a power of attorney for personal care, and I recommend that all honourable senators do the same. I am sure that honourable senators have a will. I encourage you to take the next step and remove from your loved ones a very difficult burden by providing them with the instructions and the ability to do what it is you want.

### RACIAL PROFILING

**Hon. Donald H. Oliver:** Honourable senators, Canada is falling behind the rest of the world in how we combat the use of racial profiling.

This is the main thesis of the soon-to-be-released, 90-page report commissioned by the Department of Justice, entitled *Racial Profiling: a Discussion Paper*. A copy was obtained by *The Globe and Mail* last month, and according to *The Globe and Mail* columnist John Ibbitson, its contents reveal the federal government is simply not treating racial profiling with the urgency and determination that it deserves.

According to Ibbitson's column on April 6, "When it comes to defending the rights of visible minorities, Anne McLellan is Minister No."

According to Ibbitson, the Department of Public Safety and Emergency Preparedness is trying to stop the Department of Justice from releasing the report because it "confirms that police and security officials sometimes use race as a primary reason for investigating or detaining individuals..." In fact, when she testified before the Special Senate Committee on the Anti-terrorism Act on February 14, Minister of Public Safety and Emergency Preparedness Anne McLellan stated categorically in response to a question from Senator Jaffer: Canada does not racially profile.

• (1410)

However, the problem, honourable senators, is that there is far too much evidence to the contrary.

In 2001, the Ontario Crown Prosecutor stated in the trial of basketball star DeCovan Brown, "racial profiling is a definite problem here in Canada, one that warrants corrective action."

In February 2004, the Nova Scotia Human Rights Commission ruled in the hearing of boxing legend Kirk Johnson: "the practice of racial profiling is being carried out by members of the Halifax Police Department."

Six months ago, honourable senators, Justice Anne Molloy stated in her ruling in the trial of Kevin Khan: "the only reason he was stopped by the police was because he was black and driving a nice car and for no other reason."

Honourable senators, I am quite frankly embarrassed to have to continue to call your attention to these injustices, as I have done on February 4, 2003, February 3, 2004, and most recently, on October 7, 2004.

Enough already, no more rhetoric: We know racial profiling exists. We need concrete action to combat it.

If the Department of Justice report can help end this abhorrent form of discrimination, then Canadians deserve the right to read the report.

### NATIONAL VOLUNTEER WEEK

**Hon. Joan Cook:** Honourable senators, this is a very special week in which to honour the 6.5 million Canadians per year who, without pay, give of their time and skills to serve their fellow humans, animals and the environment.

I wish to highlight the work of volunteers at the Pottle Centre, a non-profit social centre of which I was a founding member 25 years ago this year. The Pottle Centre provides mental health consumers in the St. John's area with a safe and relaxing environment and offers them lunch, recreation and literacy programs. Its volunteer program harnesses the skills and enthusiasm of students and other community members as well as its own clients' desire to help maintain and promote the centre by performing tasks such as cleaning and helping with the newsletter. Community members usually get involved through academic programs, such as nursing, social work and therapeutic recreation.

Client volunteers achieve a sense of purpose and accomplishment by giving back to the centre that serves them and "paying it forward" by helping their fellow clients. Community volunteers gain a better understanding of mental illness and, in the case of students, get hands-on experience in their future field of work. They also experience all the joys of forming friendly bonds, which can mean the world to clients. A 23-year-old Pottle Centre client said of the student volunteers: "The students make me feel very good. They are all so nice and having them around means I have something to do."

With its staff of two, the Pottle Centre's volunteers are its lifeline. Without them, the programs could not be delivered.

Of course, there are many organizations throughout the country that, like the Pottle Centre, rely on the generosity of skilled volunteers. While the spirit of Canadian generosity is great, there are signs that Canada's volunteer force is eroding. Seventy-three per cent of Canadians do not volunteer at all.

I believe all Canadians must take responsibility and do our part for the volunteer force, for example, by coordinating a fundraising event, cleaning up a park, or tutoring a new Canadian in English or French.

It is also important that we instill in our children the rewarding spirit of volunteerism by encouraging them to participate in community activities.

In the words of Mother Teresa, "We cannot do great things. We can only do small things with great love." On this National Volunteer Week, we thank Canada's volunteers for exemplifying this maxim.

### ELECTION OF CARDINAL JOSEPH RATZINGER AS POPE BENEDICT XVI

**Hon. Consiglio Di Nino:** Honourable senators, there is good news. For those of you who have not heard today, the College of Cardinals elected the two hundred and sixty-fifth Pope after just four ballots. Cardinal Joseph Ratzinger of Germany is the new Vicar of Christ and will be known as Pope Benedict XVI.

In his speech to the crowds in St. Peter's Square, those people who witnessed the puffs of white smoke and heard the ringing of the bells, he described himself as a "simple and humble worker in the vineyard of the Lord."

He chose his name after Pope Benedict XV, also known as the Great Peace Pope, who reigned through the Great War, World War I.

Pope Benedict, who gave the homily at Monday's public Mass, was close to our beloved John Paul II, who called him his trustworthy friend. I am sure all honourable senators will join in wishing His Holiness good wishes and best of luck, and may God bless the Holy Father.

### MS. LESLIE WEIR

#### CONGRATULATIONS ON RECEIVING ADVANCED CERTIFIED FUND RAISING EXECUTIVE ACCREDITATION

**Hon. Terry M. Mercer:** Honourable senators, two weeks ago I attended the forty-second annual International Fundraising Conference in Baltimore, Maryland.

As one of only 415 certified fundraising executives in Canada, and chair of the Association of Fundraising Professionals Foundation for Philanthropy in Canada, I was honoured to witness the presentation of an Advanced Certified Fund Raising Executive, ACFRE, accreditation to Leslie Weir of Winnipeg, Manitoba. Ms. Weir is only one of five individuals in Canada to receive such accreditation.

Certification as an ACFRE requires successful completion of four stages in a rigorous qualification process, including written examinations, a portfolio review and an oral peer review.

To be eligible, individuals must currently work in the fundraising profession and must have attained 10 years of full-time professional fundraising experience. They also must currently hold the Certified Fund Raising Executive, CFRE, accreditation, and demonstrate strong volunteer service to non-profit organizations.

Honourable senators, Ms. Weir has been active in the philanthropic sector since 1978. She is currently Director of Gift Planning at the Health Sciences Centre Foundation in Winnipeg and serves as President of the local chapter of the Association of Fundraising Professionals in Manitoba.



She has held key development positions at the University of Manitoba, and worked on behalf of the Canadian Diabetes Association and the United Way of Canada in Winnipeg.

Ms. Weir joins Jim Allen of Toronto, Pat Hardy of Winnipeg, Dr. Bill Hallet of Toronto, and Daniel Clapin of Ottawa as one of these five ACFREs in Canada.

These individuals have shown tremendous dedication to charitable organizations in Canada and its many volunteers.

Honourable senators, I am sure you will join me in extending congratulations to Leslie Weir on this prestigious accreditation, particularly during National Volunteer Week.

### NATIONAL VOLUNTEER WEEK

**Hon. Marjory LeBreton:** Honourable senators, today I would like to say a few words on the occasion of National Volunteer Week. From April 17 to 23, Canadians who give of themselves through volunteerism are honoured for their efforts. It is true that everyone likes to be appreciated for their work, but I can think of few groups more worthy of our gratitude and admiration than volunteers. They freely donate their time and energy to help neighbours and strangers alike.

Volunteers are essential to the daily operations of 180,000 Canadian charities, churches, and non-profit organizations. Volunteers involve themselves in a wide variety of activities, such as cooking meals, working in the health care field, coaching sports teams, counselling, teaching and providing administrative support. While volunteers take on these roles for many different reasons, the central motivation is the same for everyone. It is one of the most basic of human impulses — a simple desire to help where help is needed most.

This week, organizations and communities across the country will recognize these contributions during various awards ceremonies and other events. They will put a spotlight on work that, although appreciated, often goes unnoticed. Perhaps we, as a society, do not properly recognize the contribution of volunteers often enough. This week serves to remind us that many aspects of our society could not function without them. Rural communities are especially reliant on dedicated volunteers, as they often supplement services that otherwise might not be available.

National Volunteer Week also provides an opportunity for many charitable organizations to recruit new volunteers and promote much-needed fundraising campaigns. It is vital for these organizations to continue to expand their base of support and introduce more people to volunteering. In turn, new volunteers will come to know the personal and professional advantages that can be gained through their involvement.

• (1420)

Honourable senators, there are roughly 6.5 million volunteers across Canada. During this special week, it is important that we say a big thank you to all of them. Because of their selfless work, our communities and our country as a whole have benefited beyond measure.

[ Senator Mercer ]

## ROUTINE PROCEEDINGS

### INTERNATIONAL POLICY STATEMENT

TABLED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, a document entitled *Canada's International Policy Statement — A Role of Pride and Influence in the World*.

[Translation]

### FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF GOVERNMENT POLICY FOR MANAGING FISHERIES AND OCEANS PRESENTED

**Hon. Gerald J. Comeau,** Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Tuesday, April 19, 2005

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

### SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, October 28, 2004 to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel and adjourn from place to place within Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c), of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

GERALD J. COMEAU  
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 760.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Comeau, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

## AGRICULTURE AND FORESTRY

BUDGET—REPORT OF COMMITTEE ON STUDY  
OF PRESENT STATE AND FUTURE OF AGRICULTURE  
AND FORESTRY PRESENTED

**Hon. Joyce Fairbairn**, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, April 19, 2005

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

## FIFTH REPORT

Your Committee, was authorized by the Senate on Tuesday, October 19, 2004, to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN, P.C.  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix B, p. 767.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

## BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE CERTAIN  
STANDING COMMITTEES TO MEET DURING  
ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3), for the remainder of this session, the Standing Senate Committees on Human Rights, Official Languages and National Security and Defence be authorized to meet on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit, even though the Senate may then be adjourned for a period exceeding one week.

## QUESTION PERIOD

## THE ENVIRONMENT

## KYOTO PROTOCOL—PLAN OF COMPLIANCE

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, my question is addressed to the Leader of the Government in the Senate. Last Thursday in the chamber in response to my question on the government's plan to meet Canada's Kyoto targets, the government leader stated:

I also appreciate the fact that the critic for the Conservative Party in the other place, MP Bob Mills, stated publicly that his party supports the Kyoto process.

The truth, as stated by Mr. Mills in a letter to the media dated April 14, is:

Canada's emission reduction targets under the Kyoto Accord are unattainable, and the Liberal government's plan comes nowhere close to reaching them. The Conservative Party will have a made-in-Canada environmental policy that will set our own targets and our own timelines for eliminating smog and bringing cleaner air to Canada.

Let me be clear: The Conservative Party does not support the Kyoto accord as it stands because the time lines in it are not reasonable. The Conservative Party supports the reduction of greenhouse gases because that makes sense. We want greenhouse gases to be reduced but in a correct way.

Honourable senators, why is the government asking Canadians for a commitment of billions of their dollars to a plan that is unattainable, lacks detail and relies on buying foreign carbon credits, which only leads to further pollution in developing countries? I refer specifically to Russia and others of that ilk. Why would we give credits to industry whereby they could pay developing countries huge sums of money, thus buying themselves out of a deep hole? That truly accomplishes nothing except to encourage those countries to continue their polluting ways because they do not have much industry for them to achieve their objectives. Paying them to buy credits is not the way to go.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the statement made by Senator Stratton was not succinct, but at least he clarified his party's position, which is an unusual way to use Question Period. However, the honourable senator did ask a question and I thank him for giving me the opportunity to speak to Canada's plan for the Kyoto Protocol.

The plan seeks to achieve the targets to which Canada agreed in 1997. These targets were established in the commitment made by Canada at Rio in 1992. The plan is interacting with provincial governments and the private sector.

As well, I will speak to Canada's municipalities and citizens. The Standing Senate Committee on Energy, the Environment and Natural Resources has given us a most interesting and useful analysis of the One-Tonne Challenge, to which the government has asked Canadians to respond. Obviously, it will take an enormous, collective effort on the part of all Canadians to reach these targets.



• (1430)

Why would we want to achieve such targets? First, we need a sustainable environment, and second, we believe that we can grow our economy in a productive way while achieving the sustainable environment and its objectives.

A great amount of new technology that will be part of our economic system will come forward. We want Canada to play a leading role in that technological evolution with respect to environmental management.

Honourable senators, there is only one planet; there is only one global ecosystem. Pollution that takes place in China floats into our Arctic. It floats across this country. Acid rain comes from the United States. There is no question that, in some of our past economic endeavours, we have sent polluting particles to other parts of the world. What the Kyoto Protocol is trying to achieve is a world-wide agreement to control greenhouse gases and to stabilize our environmental system. While we do not have exact scientific evidence, the bulk of our scientists believe that human behaviour has done much to change the climate of this planet.

As Senator Adams and Senator Watt have told us, we are seeing enormous changes to the Arctic environment in which they live. We have seen foraging. We have seen unusual plants in the Arctic. We are also seeing the rise of our oceans because of the melting of the ice cap.

I thank Senator Stratton for allowing me to make these statements. It is not our purpose to purchase credits from other countries, but it does benefit the planet if we do so. It costs us to preserve some of our economic activity, and we owe the planet what we take from the planetary commons.

**Hon. A. Raynell Andreychuk:** The Honourable Leader of the Government in the Senate has talked about why greenhouse gas emissions must be curtailed. I do not think that is where the quarrel or difference is. The problem is how to accomplish it.

The Canadian Council of Chief Executives wonders why, eight years after the Kyoto Protocol was signed and more than two years after its ratification, there has yet to be a clear national discussion about its real impact on Canadians. Mr. Thomas d'Aquino wonders why we have to bring down these levels of greenhouse gases and do our share to be in compliance with Kyoto in three to seven years when we could have spread it over 15 years and thereby cushioned the economic impact on Canadian businesses.

Why did the government not move on the Kyoto Protocol? Why are they now taking credit when, had it been managed in a more appropriate manner, taxpayers and Canadians would not be suffering?

**Senator Austin:** Honourable senators, I have said many times in this chamber that this government seeks consensus among governments in Canada and with the private sector. The Kyoto

plan, the Project Green, which is now being placed before Canadians, is a consensual plan and one that is designed to achieve the Kyoto objectives.

To move on from there is to engage in a debate during Question Period. I understand the differences that may now be developing between the government's policy and that of the official opposition. I would welcome a debate on Kyoto and on the environment in the Senate.

**Senator Andreychuk:** The debate is not with the opposition in the Senate. The debate is with the Chief Executive and President of the Canadian Council of Chief Executives, a body that represents 150 leading Canadian enterprises. They are saying that there has not been a national debate. They are the ones who are saying that the crunch will be on industry, and that it could have been spread out. It is worthy of noting and taking into account their point of view, not that of the opposition.

**Senator Austin:** If the honourable senator's representation is that their point of view is more important than that of the opposition, what can I say?

Regarding the Canadian Council of Chief Executives, they have done good work and represent a certain part of the economic system with a very particular point of view. However, may I point out that, with respect to the auto industry, which is a part of that organization, the government has come to agreements with respect to voluntary performance, and targets have been set. In addition, with respect to large emitters, the government has also come to agreements and, likewise, targets have been set.

We could begin to see who within the council Mr. d'Aquino is representing, but his view is a generic one. The Kyoto plan has specific targets set by major industries to achieve Kyoto goals.

**Hon. Mira Spivak:** Honourable senators, I think Minister Dion is to be congratulated for finally having brought in any plan after such a long delay.

Not only our own Senate committee but many other people have urged that the Kyoto plan include specific measures — tax measures, fiscal incentives — but we do not see a great many of such things in this plan. I am wondering whether that is something that should be contemplated.

My question to the Leader of Government is: Is this something that you can tell us about, or are these particular taxes and fiscal incentives that have been so urgently urged on the government for quite some time now not to be considered?

**Senator Austin:** This plan is full of incentives. The government has set up a very large budget to move its Kyoto plan forward, and there are a number of targets. We are looking at investments in the order of \$10 billion between now and 2012, in order to realize the anticipated reductions of about 270 megatons. We will be making annual assessments of climate change initiatives and investments.

The key to Senator Spivak's question is that the plan begins with targets and with the Canadian community taking responsibility for what must be achieved. If there is a need for regulatory discipline, that need will emerge and a Canadian consensus as to what should be done will also emerge.

**Senator Spivak:** I am not referring to subsidies and money that is being spent. I am asking about the kinds of measures that have been talked about, such as tax incentives, "feebates" and things of that sort; in other words, using the tax system to reward those who are environmentally correct, as opposed to those who are not in that category. That is what I am referring to.

**Senator Austin:** Honourable senators, for those who are behaving in accordance with the plan, the incentive funding will be of assistance to them and those targets will be achieved. If I understand the question correctly, we will put in place regulations to allow for compliance monitoring and emissions trading. Our preferred regulatory tool will be CEPA, the Canadian Environmental Protection Act, and its approach to efficient regulation.

• (1440)

As honourable senators know, and Senator Banks is well aware, CEPA is being reviewed in the other place under the legislative requirement for a periodic review. Our own committee, headed by Senator Banks, is also taking under review some parts of the CEPA program. Perhaps the specific interests of Senator Spivak could be referred to Senator Banks and the committee for consideration.

## TREASURY BOARD

### PROPOSAL THAT AUDITOR GENERAL AUDIT RECIPIENTS OF GOVERNMENT GRANTS

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. The Public Accounts Committee in the other place has completed its study into the sponsorship scandal. One specific recommendation is that the Auditor General be given the power to conduct an audit of the records, files, documents and accounts of anyone who receives a grant, contribution or transfer from the federal government.

Is the government prepared to accept this recommendation and allow the Auditor General to follow the money given to third parties and, if not, why not?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the point made by Senator Oliver is under study as to its implications. A decision will be made in due course.

**Senator Oliver:** The minister's answer will probably be the same for my supplementary question. Within the advertising group of Public Works, both the awarding and the management of contracts were carried out by the same person. The Auditor General has pointed out that these two functions ought to be separated in order to eliminate as much as possible any opportunities for fraud, mismanagement or an override of controls by management. Would the minister advise whether or not the government is prepared to accept that recommendation?

**Senator Austin:** My answer is essentially the same; the matter is under consideration by Treasury Board.

## ROYAL CANADIAN MOUNTED POLICE

### REINSTATEMENT OF CONSTABLE ROBERT READ

**Hon. Marjory LeBreton:** Honourable senators, my question concerns the case of Robert Read, an RCMP constable who, since 1999, has been suspended for blowing the whistle on an alleged cover-up of corruption within the Canadian High Commission in Hong Kong. RCMP Commissioner Zaccardelli has now rejected a recommendation of the RCMP External Review Committee that Constable Read be reinstated.

Could the Leader of the Government in the Senate advise as to why the External Review Committee's recommendation is being ignored and why the RCMP is refusing to reinstate Constable Read?

**Hon. Jack Austin (Leader of the Government):** I will seek an answer to the honourable senator's question.

**Senator LeBreton:** Honourable senators, Bill C-11, the so-called "whistle-blower" bill currently before the other place, will not apply to the RCMP. Constable Read exposed the RCMP for covering up evidence and refusing to lay charges. The alleged corruption included criminal gangs, tampering with immigration computers, immigration consultants using mission contracts to facilitate visa processing, the disappearance of 2,000 blank visa forms, and mission staff accepting gifts or bribes from affluent Chinese families.

Could the Leader of the Government in the Senate indicate why the government is unwilling to legislate any kind of protection for RCMP officers who blow the whistle on corruption or on police cover-ups?

**Senator Austin:** Honourable senators, my response is the same as to the first question of Senator LeBreton.

## JUSTICE

### COMMISSION OF INQUIRY INTO SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES—FINANCIAL CONTROLS

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate. I am hoping that the minister can clarify something about how his party has run the government over the past few years. More than a year ago, in discussing the sponsorship scandal, the Prime Minister was quoted by the February 13, 2004, *Globe and Mail* as saying:

There had to be political direction. You have a small group of bureaucrats over here, you have the Crown corporations over here. Somebody was providing direction, I don't know who it was, but that's one of the things the inquiry will find out.



More recently, the Prime Minister has blamed rogue Liberals. For example, from the *Winnipeg Free Press* of April 5, 2005, we are told:

Prime Minister Paul Martin yesterday blamed rogue Liberals who may have “colluded” against his party and Canadians.

During the period that the Prime Minister served as Minister of Finance and vice-chair of the Treasury Board, were financial controls so weak that rogue elements had the power to order around public servants?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, this issue is before the Gomery inquiry, and that inquiry should be left to do its work and tell us what took place.

**Senator St. Germain:** Honourable senators, it has now been learned through the testimony at the Gomery inquiry that Lucie Castelli, who ran Paul Martin’s riding office, not only sat on the finance committee of the Quebec wing of the Liberal party, but had asked Groupaction to take over sponsorship contracts from another firm. Last fall, Ms. Castelli was reported to have intervened to secure \$250,000 in sponsorship money for former hockey player and Liberal fund raiser Serge Savard for his group of sports promoters.

In light of the fact that the name of one of his own staff members has been raised in connection with the sponsorship fiasco, would the Leader of the Government in the Senate indicate whether or not the Prime Minister intends to stick by his story that he knew nothing about what was going on and, second, could the minister assure the Senate that there were no other rogue elements on the Prime Minister’s payroll?

**Senator Austin:** Honourable senators, the Prime Minister gave evidence before the Gomery inquiry, and that evidence is on the record.

With respect to the other matters that Senator St. Germain raises, if they are relevant to the Gomery inquiry, I am sure they will be raised there.

## DELAYED ANSWERS TO ORAL QUESTIONS

### FISHERIES AND OCEANS

#### MEETING OF DEPUTY MINISTERS TO DISCUSS AGENDA FOR UPCOMING MINISTERS MEETING—DISAGREEMENT WITH P.E.I. REPRESENTATIVES

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I would like to answer a question, if I may, asked of me by Senator Comeau. He was kind enough to send me a news clipping from Charlottetown’s *Guardian*, from April 7, 2005, the heading of which is, “P.E.I. officials kicked out of national fishery meeting.”

I wish to respond by saying that before the meeting senior officials of the Prince Edward Island government were informed by telephone that they would be asked to leave the room during

part of the April 5 meeting of the federal-provincial Atlantic fisheries committee. They were asked to absent themselves when certain fisheries matters were discussed that may have been relevant to P.E.I.’s legal action against the Government of Canada. The purpose of the request was because P.E.I. has commenced legal action; therefore, it would be inappropriate for P.E.I. officials to participate in a discussion of the merits of their particular claim.

### POINT OF ORDER

**Hon. Gerry St. Germain:** Honourable senators, I rise on a point of order. My understanding is that when Question Period is over, it is over, and that Delayed Answers are delivered by way of written script. Has there been a change in policy, or am I mistaken in exactly how this place functions?

**The Hon. the Speaker:** Honourable senators, I probably should refer to the rules, but my understanding is that Delayed Answers is for the purpose of answering questions that have been put on the record, and to which the Leader of the Government in the Senate and his office have prepared a response. They are normally tabled by the Deputy Leader of the Government in the Senate. I am not sure whether it is inappropriate for the leader to make that response, but I cannot think of any reason why it would be inappropriate. I will look into the matter, Senator St. Germain.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, on the alleged point of order, I have always understood that the opposition senators like to have questions answered orally because it allows them the immediate opportunity to put a further question. However, if Senator St. Germain does not think that procedure is appropriate, I assure him that his suggestion that we not follow it would be welcome to me.

**The Hon. the Speaker:** I gather that honourable senators wish the point of order to remain open. I was treating it more as a point of information. I will now treat it as a formal point of order and remind honourable senators that points of order are to determine whether or not we are adhering to our rules and the practices that we adopt pursuant to past precedent. We are on the point of order. It is not a time for debate or argument, but rather to determine whether or not a proceeding is in order.

• (1450)

**Senator St. Germain:** I believe —

**The Hon. the Speaker:** Very well, go ahead. I wanted to follow my past practice on a point of order of hearing all senators and then referring back to the person who raised the point for the final comment. Senator Rompkey wishes to comment, as does Senator Prud’homme.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I wish to read a delayed answer.

**The Hon. the Speaker:** I will hear Senator Prud’homme and then Senator St. Germain.

**Hon. Marcel Prud'homme:** I will be brief, because I may have a question of privilege. I wish the Honourable Leader of the Government would cease calling us members of the opposition. There are many Liberals here and Senator Plamondon and I are independents. That does not mean we are government supporters; nor does it mean we are opposition supporters. When the Leader of the Government talks about the official opposition, he should say so. There are all kinds of people with different political affiliations sitting on this side. I would appreciate that.

**Senator St. Germain:** Honourable senators, I received a somewhat flippant response from the Leader of the Government in the Senate when he implied that I did not want answers. That was not the point. The question is whether the Senate will allow delayed oral responses to questions. The leader alluded to the fact that we may be able to ask further questions. However, Question Period is over. This is the confusing part. Yet, he makes the reference that maybe we do not want answers.

We certainly want answers to our questions. We want them in Question Period. The Leader of the Government implies that Question Period can be extended when he gives an oral delayed answer, and that we are then entitled to ask more questions. That seems out of sync with what Question Period is all about and how it has been handled traditionally for the last number of years.

It is not that I do not like the answers of the Leader of the Government. I do not always agree with them, but the way in which he handled this item, I think, is a bit different. Maybe it is not. I yield to the chair.

**The Hon. the Speaker:** Honourable senators, it is a fair question, and enough of a point has been raised that I will look at the matter and respond tomorrow to basically what is appropriate during delayed answers in terms of a response from the person to whom questions are put.

**Senator Rompkey:** Honourable senators, I have a delayed answer.

I have the honour of presenting a response to an oral question raised in the Senate on April 14 by Senator St. Germain, concerning bovine spongiform encephalopathy, aid to cattle industry, culling of older animals.

## AGRICULTURE AND AGRI-FOOD

### BOVINE SPONGIFORM ENCEPHALOPATHY—AID TO CATTLE INDUSTRY—CULLING OF OLDER ANIMALS

*(Response to question raised by Hon. Gerry St. Germain on April 14, 2005)*

As part of the Repositioning Strategy, the Government offered a program to help producers deal with older animals. The "Managing Older Animals" program is offered to provinces and territories who determine a need to handle older cows and bulls.

When the Government announced the Repositioning Strategy, we made a commitment to industry to ensure that it remained effective and that, if necessary, modifications

would be made. We continue to monitor elements of the Strategy to ensure they best meet the needs of the industry.

Older animals will form part of the Minister's discussion on a vision for the industry, which includes reducing our reliance on live cattle exports for slaughter to the U.S. and ensuring the long-term profitability of the sector.

Nevertheless, older animals are currently coming to an age where they are naturally being culled from the herd and a number are being included in the national BSE surveillance program.

Although the Honourable Senator is aware, pre-feed ban animals do not pose a threat to human health as measures that the Government undertook in July 2003 to remove specified risk materials from the human food chain remain the most effective measure to protect human health.

## ORDERS OF THE DAY

### FINANCIAL ADMINISTRATION ACT CANADA SCHOOL OF PUBLIC SERVICE ACT OFFICIAL LANGUAGES ACT

#### BILL TO AMEND—THIRD READING

**Hon. Pierrette Ringuette** moved third reading of Bill C-8, to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act.

**Hon. Donald H. Oliver:** Honourable senators, I rise this afternoon to say a few brief words on third reading of Bill C-8. I have not prepared a formal speech and I do not like to address this chamber without formal notes, but I have been away and I did not want third reading to pass without putting a few remarks on the record about the process. It relates to the role and function of Senate committees. More specifically, it relates to the role, purpose and function of the Standing Senate Committee on National Finance.

Over the past few years, this committee, normally chaired by an opposition member, has developed an enviable record for doing thorough, conscientious, detailed, analytical study of bills and issues of government spending, either directly through the Estimates or indirectly through various pieces of legislation. This committee has an enviable record of having made careful study of a number of areas and subjects that resulted in recommendations that later formed part of the public policy framework for Canada. Many other Senate committees have a similar enviable record.

In the case of the National Finance Committee, it was probing questions by members that first brought to light the glaring and escalating costs of the gun registry. It was probing questions from the committee that gave rise to a number of concerns with respect to the funding of foundations. It was the work of the Standing Senate Committee on National Finance that, on the subject of equalization, has caused senior officials in many of Canada's provinces to look to this committee as a leader and protector of principles of fairness and equity.



Because members of the committee are appointed and not elected, they have never seemed in the past to have had the same need to be partisan in their approach, as are members in the other place, who use their partisanship as a way of becoming re-elected. Instead, Senate members have traditionally been more objective and looked to the public interest, the ultimate aim being to find ways to develop and create better public policy for all Canadians.

In the case of Bill C-8, honourable senators, I and other senators raised a number of significant issues during second reading debate on the interrelationship between this new agency, the Public Service Commission, the PCO and the Treasury Board. Originally, the president of the new agency made it known that she would like to personally attend to give evidence in response to a number of the significant and important issues raised by honourable senators, but she was not afforded that opportunity.

What could be the rush? In a letter to me dated April 13 that arrived while I was away, Michelle Chartrand, the President of the Public Service Human Resource Management Agency of Canada indicated:

Unfortunately, I was unable to attend yesterday's Senate Finance Committee meeting regarding Bill C-8. At the same time, my Executive Vice-President, Ms. Monique Boudrias, was out of the country on agency business.

In other words, both the president and executive vice-president were unavailable, but could have been available to appear before the committee in a day or two. Instead, Mr. Dumesnil and Ms. Bouzigon were sent as "resource people."

At the hearing, honourable senators asked a number of significant and important questions about the bill and, for the most part, none of them were responded to completely by the "resource people."

In her letter to me, the president, Ms. Chartrand, said:

I understand that committee members raised a number of important and fundamental questions regarding the Agency including matters related to Human Resources Management. I contacted Senator Day's office yesterday to let him know that I would be more than pleased to appear before the Committee, in the near future, to explain the Agency's mandate and to respond to any outstanding questions.

Here was a senior officer of a major government agency phoning a deputy chair to say that she was aware that there were a number of important pressing issues raised that were not properly answered, and that she would like an opportunity to appear before the committee at an early date to respond as president.

Surely, honourable senators, we should afford ministers, deputy ministers and other senior officers a reasonable opportunity to appear to defend their legislation and to answer questions posed by honourable senators. What could be the rush?

In the same letter to me, Ms. Chartrand sent a number of papers and documents that bear on the legislation and that refer, in part at least, to many of the questions I raised in my second reading address before this chamber.

For example, in that letter, she wrote:

In the meantime, please find attached the Agency's recently tabled *Report on Plans and Priorities*...

— known as the RRP —

...for 2005-06, which addresses some of the issues raised by Committee members yesterday morning. I bring your attention to the relevant sections of the RPP, as follows:

- An overview of our *raison d'être*...
- Our financial and human resources information, including the 5 per cent reduction for Expenditure Review...
- Organizational chart: page 34
- HR Planning and Accountability: pages 20-21
- Classification reform: pages 17-19
- Official languages: pages 29-31
- The Youth Internship Program, page 43

● (1500)

I, for one, would have enjoyed an opportunity to have put questions to hear her on the materials she forwarded. The booklet was 88 pages. She could have been available to appear before the committee this morning, Tuesday. After her appearance, if honourable senators had agreed, we could have considered the bill clause by clause and reported the bill back to the chamber today.

I ask honourable senators what would have been wrong with that? What was the rush to have this matter back in the chamber in my absence without giving the bill a thorough analysis and without affording a key witness, the president of the agency, the opportunity to personally appear?

The very last sentence of Ms. Chartrand's letter to me reads:

Hopefully, these materials will respond to the Committee's immediate information needs. I would, however, like to reiterate my availability to address the Committee members, as you deem appropriate.

What was said in the committee by the acting chair is the following:

She indicated that she would be pleased to appear before the committee and we have taken her up on that. We will make arrangements for her to appear.

No date is set. The bill received clause-by-clause consideration and was reported back to the Senate and is here today for third reading.

Honourable senators, when a question was put to witness Dumesnil about the interrelationship between the Public Service Commission and the new agency, such as, "Is there any overlap in terms of the standards and categories and job classifications?" the response was:

I would prefer to have someone else answering that question because I am not familiar with it.

When Senator Downe asked, "Why is the president not here?" the deputy chair said:

It is our intention with our ongoing mandate to have perhaps the president and the executive vice-president come before us, but we are also interested in moving along with this legislation...

Honourable senators, is that what it means to give sober second thought to major government legislation? If so, is that how Senate committees should be doing their jobs?

On the second page of the letter from Ms. Chartrand, she attached two charts which went to the heart of a number of questions put by more than four different senators at the hearings.

- One showing the complementary roles and responsibilities of the Agency (PSHRMAC), the Public Service Committee (PSC), the Treasury Board Secretariat (TBS) and the Canadian School of Public Service (CSPS) regarding HR management.
- The second describes the roles and responsibilities of the key stakeholders regarding Official Languages (the Agency, the Public Service Commission, and the Canadian School of Public Service, Canadian Heritage and the Minister responsible for the coordination of the Government's Action Plan on Official Languages).

Honourable senators, a number of questions on those matters were raised by senators and they did not receive a proper response.

Thank goodness for Senator Murray who asked:

What would happen if this bill were to be defeated, or if it were to die as a result of an early dissolution of Parliament? ...nothing would happen, life would go on.

Later Senator Murray said:

I point out to you that the House of Commons fairly recently defeated the measure that would have given parliamentary authorization to the demerger of Foreign Affairs and International Trade. We were told immediately that what they had done was really of no practical effect, that life would go on and the departments would remain as they had been for some time, separate ministries. What really would be the effect if this bill were defeated or did not pass?

The witness Bouzigon said:

If I rely on the ruling of the Speaker of the House on this very matter, he indicated that going ahead in that other case did not constitute disrespect toward Parliament.

He later said:

If the bill did not get through, that would not have any direct effect on the validity of the orders passed under the Public Service Rearrangement and Transfer of Duties Act.

Honourable senators, it is well known that the Prime Minister has the authority over the machinery of government. That is not in dispute. On the other hand, all parliamentary committees are doing is giving parliamentary sanction to what has already been done. Surely we could have waited one or two more days to have had the president appear before the standing Senate committee to defend the legislation and answer a series of important questions posed by honourable senators. What could possibly have been wrong with that?

This whole debate raises a wider, more significant and more philosophical question about our roles, duties and responsibilities. It may well be that the Standing Senate Committee on National Finance, when it finishes its other work, including all major legislation before it and to come before it soon, should have a look at where the authority of the Governor in Council ends and where the authority of Parliament begins. If we are suffering a democratic deficit, maybe this type of analysis would shed some light on areas where the deficit could be eliminated or at least reduced. Maybe we could find ways to have more effective parliamentary scrutiny.

Honourable senators, I have a genuine interest in understanding more fully the machinery of government and role of Parliament. I, for one, would have appreciated making a reasonable time for Ms. Michelle Chartrand, the President of the Public Service Human Resources Management Agency of Canada, to appear before our committee. I feel badly that she was not afforded that opportunity.

Honourable senators, in conclusion, I have no intention of wanting to, in any way, delay the final passage and third reading of this bill but wanted to place before you the fact that if the Senate is to do the job the Canadian public would like to see it do, we must not forget what being a body of sober second thought is really intended to mean. We should not deliberately refuse to let important witnesses appear before us to comment on important government legislation. I speak today in hopes that we can also work to restore Senate committees, where once again we are the epitome of excellence and professionalism.

**The Hon. the Speaker:** I must advise that if Senator Ringuette speaks now —

**Senator Ringuette:** Honourable senators, I wanted to close debate and reassure all honourable senators that proper information and documentation was presented to the two meetings of the National Finance Committee. All members in attendance were in agreement with the tabled report.

**The Hon. the Speaker:** With no other senator rising to speak at the third reading debate on Bill C-8, I ask if honourable senators are ready for the question.



**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

## STATISTICS ACT

BILL TO AMEND—THIRD READING—  
DEBATE CONTINUED—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Losier-Cool, for the third reading of Bill S-18, to amend the Statistics Act.

**Hon. John Lynch-Staunton:** Honourable senators, in taking a position on this bill, we have to decide whether we support what I consider a legitimate request by genealogists, family historians and others for access to census records from 1910 to 2005, which are now sealed and limited to employees of Statistics Canada, or whether we honour pledges that have been made repeatedly over the years to keep this information confidential. I certainly side with the latter. The principle of confidentiality and the pledges made are more important than acceding to what are certainly legitimate requests. On the other hand, if every such request means the violation of a pledge, then there is something wrong if we meet those requests.

I am surprised that, other than Senator Milne, no one has spoken on the other side with the same fervour, or anything approaching it, in support of this bill, while those opposing the bill have brought out some excellent arguments. I emphasize, in particular, the interventions made by Senators Comeau, Plamondon and Moore. In addition to Senator Milne, the Leader of the Government in the Senate and Senator Fraser intervened.

• (1510)

Senator Austin's intervention was an argument based on public policy, as if revealing individual information would make a contribution to public policy. He suggested that government decisions cannot be considered permanent, that there are conditions that justify changes to them, and I accept that. However, he did cite as an example a promise made by the first President Bush during a campaign that he would not increase taxes. I find it difficult to accept that a broken campaign promise is equivalent to removing pledges made over many years and enshrined in law. I do not agree that one can be compared with the other.

Senator Fraser showed impatience, which I understand, because this issue has been before us for many years, and said that we should get to a vote because all the stakeholders had been heard from. Not all the stakeholders have been heard from. Those most directly affected have not been heard from. I have not found anywhere any attempt to get in touch with those who have given

information in the last few years to find out whether they would accept that the information they gave in confidence would be revealed at a given time.

All I have been able to find is a paper entitled "Qualitative Research on Public Perceptions of Statistics Canada, The Census and Related Sub-Contracting," which was presented to Statistics Canada in January 2004. It is a survey made by a firm called Patterson, Langlois Consultants. I will read two sentences from the overview:

For the majority of participants the Census represents something of sanctity: the data is something to be protected, and undeniably Canadians...

Most unquestioningly continue to trust Statistics Canada to protect their data, and to be accountable for that protection.

This morning we all received a book put out by Statistics Canada entitled, "2006 Census Questions and reasons why the questions are asked." In that book can be found all the questions to be asked on the long and short form in May 2006, and the reasons behind those questions.

These were gazetted on April 16. Preceding the publication of the questions it is stated:

Her Excellency the Governor General in Council, on the recommendation of the Minister of Industry...hereby fixes May, 2006 as the month in which a census of population shall be taken by Statistics Canada and prescribes the questions to be asked in the 2006 Census of Population, as set out in the annexed schedule.

I emphasize the word "prescribes" because, in effect, this is a government-sanctioned questionnaire; it has an air of finality. It is not a suggestion; it is not asking for recommendations; it is fixed.

In the covering letter that came with the book we received, the minister responsible confirms that the questions in the census form are questions that the cabinet has approved for the 2006 census.

Comparison with the 2001 census reveals that there is very little change, except for two major ones, and I am sure that the second one in particular will be of interest.

First, question 51 is followed by a number of questions on the individual's income. Those who have seen the long form will remember that the income information required is very detailed. It includes personal income, business income, farm income, dividend income, pension income, et cetera. In fact, it is the same information that one gives on one's income tax form. The new addition to that part of the census form is question 51 which says:

To save time, each person can give Statistics Canada permission to use the income information already available in his/her income tax files instead of answering Question 52.

In other words, if you give approval in question 51, Statistics Canada can extract all the required information from your income tax file rather than your repeating all that information on the form.

That raises an unintended situation. If census information is eventually revealed because of Bill S-18 and you have not put your income tax information on the census questionnaire, it will never show up, but if you have put it on, it will show. In any event, under the Income Tax Act, income tax information remains confidential, and should so remain.

That is just a comment. More important is question 53, which is preceded by the following:

The following question is for all persons who usually live here including those less than 15 years old. If you are answering on behalf of other people, please consult each person.

Question 53 reads:

The *Statistics Act* guarantees the confidentiality of your census information. Only if you mark "YES" to this question will your personal information be made public, 92 years after the 2006 Census. If you mark "NO" or leave the answer blank, your personal information will never be made publicly available.

Does this person agree to make his/her 2006 Census information available for public release in 2098 (92 years after the census)?

Yes

No.

Questions 51 and 53 do not appear in the explanatory notes. You have to go into the questionnaire to learn that two significant additions have been made, particularly the second one which, in effect, anticipates passage of Bill S-18. It is lifted from clause 18.1(2) of the bill. It tells Parliament that, no matter what it decides, the government has already decided to ask Canadians if they want the information to be made public, even though this bill may not be accepted, either here or elsewhere, or may be modified to extend the 92 years or whatever. To say the least, I find that a form of gross contempt that I will not qualify further.

I am also upset by the fact that throughout the book we received this morning, there are continuing guarantees of confidentiality: "All your answers are kept confidential," "This is the law." In the explanatory notes we see:

The *Statistics Act* requires all residents to provide the information requested in the census. It also requires Statistics Canada to strictly protect confidentiality of all information provided by respondents.

I could go on.

Then suddenly, at the end they say, "Despite all we promised you, why don't you let us make that information public 92 years from now?" I think it is improper to have that question put in at this time before Parliament has given its approval. Otherwise, why have the bill before us? Also, why add this comment, which in effect encourages the respondent to give his approval? In the explanatory notes in the book that reproduces the questionnaire, it says:

Consent to the release of census information allows future generations to better understand Canadian society in 2006.

That is not true. There is much more to the release of information than only to help us understand society. This is an editorial comment that is uncalled for.

Colleagues, according to the *Concise Oxford Dictionary*, "prescribes", the term used in the *Canada Gazette*, is to lay down or impose authoritatively. The government cannot claim, as it has before, that that is an honest mistake made by over-eager public servants.

• (1520)

We have had cases in the House of Commons and in this chamber where information has been posted on the Internet or published elsewhere by a government department, leaving the impression that the information was already law when in fact the legislation to make that information law was still before either one or the other house.

Let me read briefly what Speakers in both Houses have said in cases like this; both came to the same conclusion. Speaker Fraser, for instance, on October 19, 1989, said:

I...remind everyone in the Public Service that we are a parliamentary democracy, not a so-called executive democracy, nor a so-called administrative democracy.

Our own Speaker, Speaker Hays, spoke on this issue on February 24, 1998. Many colleagues will remember that was at a time when we were discussing the Canada Pension Plan bill, which included a 10-year premium schedule that Parliament had to approve, and that schedule was posted on the Revenue Canada website as if it was official. As soon as this was brought to their attention, Revenue Canada said it was a mistake and took it down. Speaker Hays concluded his ruling by saying:

While I am prepared to accept that no contempt appears to have been committed, I find the actions of the department inexcusable.

I think the action of Statistics Canada to include question 53, a question that is based on a bill presently before this house, is also inexcusable. What is before us is not a so-called honest mistake; it is dismissing completely the significance of any debate here on the bill. It is not the first time the government has shown disinterest in what goes on here, but it also shows contempt for the elected House, which has yet to be seized with Bill S-18; and this not by ill-advised but well-intentioned public servants, but by the government itself, led by a Prime Minister who once again brings dishonour to his pledge to narrow what he identifies as the democratic deficit.

I have resisted temptation to push more aggressively my claim of contempt as provided in our rules, as I have no doubt that should this bill reach the other place, many of its members will, with every good reason, raise it at the appropriate time.



I suggest that to avoid this from happening, government supporters here should seriously consider voting down the bill, thereby saving further embarrassment to their elected caucus colleagues and confirming that Parliament is not a puppet of the executive, while at the same time insisting that formal pledges of confidentiality going back decades will continue to be respected.

**Hon. Lowell Murray:** Honourable senators, Senator Milne must be wondering what she has done wrong in her life. I do not know how many times either she or the government at her initiative has brought in a bill of this kind and it has died on the Order Paper or died with prorogation or dissolution. Here she is staring down the barrel of dissolution and quite possibly contemplating the disappearance of her bill for the time being once again.

It is no secret to honourable senators that in the perennial tension between privacy on the one hand and access to information on the other, and the effort to strike a balance between the two, my instinct has always been to come down on the side of privacy. Therefore, I have opposed most of the previous initiatives brought forward by Senator Milne. I have opposed them because I was relying, as Senator Lynch-Staunton and others have done, on the assurances given by previous governments — some of them written into statute, others proclaimed by way of regulation — that the information would be kept strictly confidential.

I am venturing a little beyond my depth here in discussing a legal issue, but the legal status in recent times has not been as clear-cut, as our old friend Senator Beaudoin would have said, as some senators have made out in this debate. The question, I think, was and is whether legislation passed subsequent to the Census Act and its amendments, legislation such as the Access to Information Act and the Privacy Act, trump the confidentiality provisions in that previous legislation.

I had thought that it did not. I was relying on the word of not only the Chief Statistician of the country, who took quite a strong position on this matter, but on the legal advice he was receiving and had received for some time from the Department of Justice. On that basis, I felt confident not only in the moral and political position I was taking, but in the legal support it seemed to have.

The committee that had been set up by the former minister, I think it was Mr. Rock, under the chairmanship of —

**Senator Lynch-Staunton:** It was Mr. Manley.

**Senator Murray:** In any case, the former Minister of Industry, I think under the chairmanship of retired Justice Gérard La Forest, was not quite as categorical as Statistics Canada and some of us had been. However, the committee came to the conclusion that all things considered and, as they might put it, for greater certainty, legislation would be required to open this up.

The development that was decisive in recent times is that the Department of Justice simply did an 180-degree flip-flop on the issue and came to the conclusion that if the confidentiality or secrecy provisions were contested in the court, we would lose. That was their conclusion. They came to agree with those whose position it was that the subsequent legislation, the Privacy Act and Access to Information Act, trumped the previous statutes.

Therefore, the question that faced Statistics Canada and others was what to do. They came to the conclusion that if we were facing the loss of those confidentiality provisions, the prudent thing to do would be to try to build some fences around it in legislation. That is what this bill tries to do, among other things, by asking respondents whether they will agree to have their personal information released in 92 years.

The nub of the question is whether it is more prudent to face what appears to be the legal reality and build some fences around it to get the best compromise that could be achieved under the circumstances, or whether we sit back and wait for a case to emerge in the courts where we will be literally defenceless because the Department of Justice has thrown in the towel.

On that basis, not because I have changed my basic orientation, which is more to privacy than the release of information, and because I think the compromise is an honourable one and the fences are probably as far as we can go at this stage, I said when this bill was introduced in a previous iteration that I would support it and I will support it now.

**Hon. Gerald J. Comeau:** Honourable senators, would Senator Murray entertain a question?

Senator Murray says he is relying on the Department of Justice, which in fact did a complete 180-degree turn.

• (1530)

I assume that the honourable senator has complete faith in such a legal opinion. That is, obviously, questionable by some of us other less human people.

However, the Federal Court, back in 2004, which is not all that long ago, did say that in order for the documents to be released between 1918 and 2001, the government would need legislation to authorize the release. Is the honourable senator aware of that Federal Court decision and if so, how does he square the Federal Court decision with the justice department opinion that basically says that you do not have a case to stand with in front of the court? Finally, on the question of the great compromise, hence forth from 2006 onward, we have an opportunity to say no to release, but in fact, the individuals in the family do not have that option. In fact, it is the head of the family that will have the option to indicate this on behalf of the members of the family, so if the head of the family responds on my behalf, I have nothing to say about it.

How does the honourable senator, the great privacy person, square those three issues that I bring up?

**Senator Murray:** In a word, it is not because I have more confidence in the Department of Justice than I had at a particular point. It is simply that if they have done a 180-degree flip flop, as I say they have, we will be left defenceless. They have thrown in the towel, and in a court contest, the issue would be lost. I do not know who will defend the position that the honourable senator is taking. If the government does not take it, who will?

The department reversed itself, and this was the reality that Statistics Canada and the government were faced with, in bringing this bill forward. I am not familiar with the details of the court case in 2004 to which the honourable senator is referring, and I would have to examine it and its implications in light of the Department of Justice's opinion.

As for someone replying on behalf of other members of the family, this is the way it has always been done and it is the way it will always be done in the future.

**Senator Comeau:** Would the honourable senator, if he says that this is the way it has always been done, find those examples for us, because it would be helpful? I am sure our colleagues in the House of Commons would want to see the kind of precedents whereby heads of families are authorized to release the private information of the minors in that family. For example, can the head of the family release the medical information of the minors of the family? Is that person authorized to release such private information? I certainly do not know any other cases.

It is not in the Statistics Act.

**Senator Murray:** They have been doing it, and the information in those censuses up to 1918 has been released.

**Senator Comeau:** The censuses up to 1918 are an entirely different issue. Under a separate provision, from 1918 onward our predecessors in Parliament enacted an act that gave explicit, easy-to-read rules even I can understand, but prior to 1918, I agree with you, it was a different era.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I hear some yeas and nays. I will put the question in the formal way.

Will those honourable senators in favour of the motion please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the motion please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the "yeas" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators.

**Hon. Marjory LeBreton:** We would agree to have the vote tomorrow at 2:45 p.m. with a 15-minute bell at 2:30.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** The vote is, so I understand it, at 2:45 with a 15-minute bell. The bells will ring at 2:30.

## SPAM CONTROL BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-15, to prevent unsolicited messages on the Internet.—(*Subject-matter referred to the Standing Senate Committee on Transport and Communications on February 10, 2005*)

**Hon. Marjory LeBreton:** Honourable senators, on Bill S-15, to prevent unsolicited messages on the Internet, there is a number of senators wanting to address this whole issue of spam, evolving practically daily. I would like to propose that we restart the clock on this particular bill.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

On motion of Senator LeBreton, debate adjourned.

## BANKRUPTCY AND INSOLVENCY ACT

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Wilfred P. Moore** moved second reading of Bill S-28, to amend the Bankruptcy and Insolvency Act (student loan).—(*Honourable Senator Moore*)

He said: Honourable senators, this bill provides that an order of discharge does not release a bankrupt from the reimbursement of his or her student loan if the bankruptcy occurred within a period of five years after the bankrupt ceased to be a student. Previously, the period was 10 years. There has been some opposition to the amendment of this section of the Bankruptcy Act in the past, but it is my belief that the time has come to make a change. I will now attempt to explain why.

• (1540)

In November of 2003, the Standing Senate Committee on Banking, Trade and Commerce issued a report entitled, *A Review of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangements Act*. This report was the culmination of much study and deliberation, ably guided by our former colleague, the Honourable Richard Kroft, as chair of the committee, and our current colleague Senator Tkachuk as deputy chair. I am proud to have been a part of that study and would now like to see some of our recommendations acted upon — hence, this bill.



It has been four decades since the Government of Canada entered the business of providing financial help to students in order to obtain post-secondary education. In 1964, the Canada Student Loans Program was instituted. This program originally involved a 100 per cent government guarantee covering student loans made by private lenders. This resulted in a situation where government costs soared by way of covering these debts. Banks were spending little time attempting to obtain payment.

By 1995, it became clear to the federal government that changes were needed. The government created a 5 per cent risk premium program between the government and the banks, whereby the risks of non-payment and the management of these loans were assumed by the financial institutions. The federal government paid a 5 per cent premium of the total loan amounts to the financial institutions in order to cover the losses incurred through default and bankruptcy.

In 2002, this agreement expired and the financial institutions demonstrated no interest in maintaining this program, whereupon the federal government resumed responsibility directly through the National Student Loans Service.

As these changes in the National Student Loans Service were taking place, the Department of Finance was also showing an interest in its policy regarding student debt. This interest culminated in 1997 with major changes to the Bankruptcy and Insolvency Act. That year, student loans were made non-dischargeable under two circumstances: One, if a student filed for bankruptcy protection before graduating or ceasing their full- or part-time studies; or, two, if a student filed for bankruptcy protection within two years of graduation.

There was a provision whereby the student who did go bankrupt within two years could apply to have a court discharge the loan debt providing hardship could be demonstrated. For those who applied after the two-year period, normal procedures were followed.

In 1998, further changes were made in the hopes of helping students deal with mounting debts. The 1998 Budget included such measures as the extension of interest relief periods, applicable to students who lived below a certain income level, resulting in the possibility of deferment of payments for up to the first five years after graduation. Federal income tax credits on student loan payments were created, as well as two grant programs, Canada Millennium Scholarships and Canada Study Grants. All of these measures were designed to lighten the load of student debt and to ease the management of this debt as well.

However, combined with these changes, the non-dischargeable period for the student loans was increased from two years to ten. With that change to the Bankruptcy and Insolvency Act, students now would be unable to apply for the discharge of a student loan debt until 10 years after he or she graduated. That is the current legislation.

The Standing Senate Committee on Banking, Trade and Commerce heard from many witnesses regarding this issue. We heard arguments for and against this measure. Indeed, this same committee had considered this issue in 1996 with the introduction

of Bill C-5, which instituted the two-year rule. It was questioned at that time whether student loans should be treated differently from other bankruptcies. The evidence provided in 1996 pointed to the fact that a large number of student bankruptcies occurred during a time when there were other courses of action available, such as debt relief, meaning that bankruptcy was being used before other actions were available. The clear message was that so long as there were other options, bankruptcy should be the student debt relief process of last resort.

In the last round of consideration of this issue, many of the same arguments were heard. On the lender's side, it is felt that higher-than-average incomes for graduates should enable repayment, that immediate discharge should increase federal and provincial losses, and that programs such as debt relief should enable students to choose this option as opposed to immediately applying for bankruptcy.

One of the strongest arguments made in favour of immediate discharge is made by the students themselves, who maintain that student loans are exactly the same as other forms of dischargeable debt and this is discrimination on the basis of age. As we are all aware, the Canadian Federation of Students has launched legal action to dispute this provision, challenging the rule under the equality provisions of the Charter.

The majority of witnesses appearing before the committee favoured a change in the 10-year rule. The Personal Insolvency Task Force recommended that the length of time prior to discharge of student loans be reduced from ten to five years. Credit Counselling Canada, the Canadian Association of Insolvency and Restructuring Professionals, the Insolvency Institute of Canada and the Canadian Bar Association all supported this reduction.

It is true that the number of bankruptcies involving student loans rose during the 1990s. Policy, as far as student aid is concerned, shifted from grants to loans. The increase in tuition fees, as much as 126 per cent in some instances, according to the Canadian Federation of Students, has resulted in an increase in average student debt from \$8,000 in 1990 to \$25,000 in 1998. The Canadian Federation of Students makes the case that because of the needs-based system, people who come to the process with the least resources were borrowing the most and were often not able to repay their student loan debts.

The situation we are facing is the task of balancing the needs of the taxpayer and the financial institutions with the need to maintain an innovative economy through educating our citizens and doing so without crippling our students with onerous education loans.

Our committee recognized this reality and the fact that there is no guarantee a student will find the employment required to repay loans and, further, that a post-secondary education does not necessarily result in a lucrative job. At the same time, it would be a shirk of our responsibility not to take into account stakeholders other than students. The taxpayer pays the interest on these loans until the student graduates and assumes responsibility; the taxpayer also covers the cost of defaulted loans.

Thus, it was the recommendation of the committee that the reduction in time for students to apply for a discharge should be five years as opposed to the current ten. It is my belief that the grant programs mentioned earlier, coupled with the Canada Student Loans Program itself and student debt relief, have facilitated the proposed acceptable period of five years and that this proposal strikes the appropriate balance necessary to account for the needs of both students and lenders.

It is with this balanced approach to this issue that I ask for your support for this bill.

On motion of Senator Robichaud, debate adjourned.

## BOY SCOUTS OF CANADA

### PRIVATE BILL TO AMEND ACT OF INCORPORATION— SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-27, respecting Scouts Canada.—(*Honourable Senator Jaffer*)

**Hon. Mobina S. B. Jaffer:** Honourable senators, it is an honour and pleasure to speak again to Bill S-27, which officially changes the name of Boy Scouts of Canada to Scouts Canada.

I have been involved in Scouting nearly all my life. I was a Brownie, a Girl Guide, a Queen's Guide while growing up in Africa and a Girl Scout in the United States. For my family, Scouting is a tradition. My mother grew up knowing Lady Baden-Powell, the wife of Lord Robert Baden-Powell, the founder of Scouting. She then went on to become a Girl Guide leader. She continues to be involved in the guiding movement to this day.

When I first came to Canada, I wanted to ensure that I continued to be involved in Scouting and pass this tradition on to my children, the way my own parents had passed it on to me. With my husband, I was a Beaver, a Cub and a Venturer leader. In the 1980s, my husband and I started a co-ed Venturer group, one of the few in the country at that time. We thought that this would be an excellent way to bring together young men and women so that they could learn to challenge and relate to one another.

• (1550)

Honourable senators, I have always supported, and will continue to support, Scouting because I believe that it teaches young boys and girls skills that apply not only to survival in the wilderness but also lessons that they can apply to all of life's situations, or, as the Scouting motto states: "Be Prepared." Scouting helps to teach young people to build interpersonal bonds and to become leaders, to confront challenges hands-on and to work as a team. These lessons can be learned only in the kind of environment that Scouting offers.

These were the kinds of lessons that Lord Baden-Powell had in mind when he began the Scouting movement almost one century ago. He thought that it would be a good idea to teach boys some of the skills and ideals of Scouting. Scouts should be strong, courageous and alert; able to read the smallest signs of nature and tracks of animals, and to survive in the wilderness; always ready and willing to help each other and to decide what to do and when to do it. Lord Baden-Powell believed that Scouting affected a young person's education, appreciation of religion and a greater promotion of peace. He set out a number of reasons why Scouting was an important educational experience. He stated that the secret to sound education was to get each pupil to learn for himself instead of instructing him by driving knowledge into him through a stereotypical system.

Lord Baden-Powell had a vision that went beyond simple survivor skills to much larger views on the promotion of peace and justice. He said:

Before you abolish armaments, before you can make treaty promises, before you build palaces for peace delegates to sit in, the first step of all is to train the rising generations in every nation to be guided in all things by an absolute sense of justice.

When men have it as an instinct in their conduct of all affairs of life to look to the question impartially from both sides before becoming partisans of one, then if a crisis arises between two nations, they will naturally be more ready to recognize the justice of the cause and to adopt a peaceful solution, which is impossible so long as their minds are accustomed to run to war as the only resort.

This underlines why I think Scouting is important and why I work to encourage the Scouting experience in my own family and community. As Senator Di Nino mentioned, Scouts Canada is now inclusive of boys and girls. Bill S-27 will formally change the name of the organization in both languages to reflect this.

When I took my own group of co-ed Venturers to the World Jamboree in Kananaskis, Alberta, the experience was particularly rewarding for the girls. The girls learned that they could do outdoor activities as well as, if not better than, the boys. They gained a special confidence as a result. These young Muslim girls learned that they could do anything that the boys could do. They learned that they could take on any challenges, gain more points and awards than their male colleagues. This helped these girls to take on life careers that otherwise they would not have done. Today, these Venturers tell me that they are engineers and scientists because they have no mental barriers as to what girls can achieve.

One of the proudest moments for my husband and me as Scouters was when we came across a female member of our Venturer troop who told us that she was doing very well in her present work and that she was able to compete because of the skills she had learned as a Venturer. She told us that being a Venturer taught her that she was as good as any male colleague, and that helped her to alleviate any fears she had of her own limitations.



As a previous Girl Guide Commissioner, I believe that the Girl Guide movement is important for the growth of girls. I believe that the co-ed group helps to build confidence in young people. I want to thank Senator Di Nino for introducing Bill S-27 and I join him in support of its speedy passage.

I urge all honourable senators to take one more step and support the Canadian Scouting movement in their own regions to ensure that our young people are given the opportunity to participate in the unique experience that Scouting offers.

**The Hon. the Speaker:** Honourable senators, I see Senator Di Nino rising. If he speaks now, his speech will have the effect of closing debate on Bill S-27.

**Hon. Consiglio Di Nino:** I want to ensure that honourable senators are aware that I have received copies of some letters requesting information on the Scouting movement. I would encourage all to attend the committee hearings to learn first-hand of the Scouting movement.

**The Hon. the Speaker:** Honourable senators, I consider the debate closed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Di Nino, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

#### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

##### EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees), presented in the Senate on April 14, 2005.—(*Honourable Senator Furey*)

**Hon. Wilfred P. Moore,** for Senator Furey, moved the adoption of the report.

Motion agreed to and report adopted.

#### FOREIGN AFFAIRS

##### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF MATTERS RELATED TO AFRICA ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Foreign Affairs (budget—study on the development and security challenges facing Africa—power to hire staff and travel), presented in the Senate on April 14, 2005.—(*Honourable Senator Di Nino*)

**Hon. Consiglio Di Nino** moved the adoption of the report.

Motion agreed to and report adopted.

##### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO FOREIGN AFFAIRS ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Foreign Affairs (budget—study on foreign relations in general—power to hire staff and travel), presented in the Senate on April 14, 2005.—(*Honourable Senator Di Nino*)

**Hon. Consiglio Di Nino** moved the adoption of the report.

Motion agreed to and report adopted.

• (1600)

#### INTERNATIONAL DEVELOPMENT ASSISTANCE

##### MOTION URGING GOVERNMENT TO MEET COMMITMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson:

That the Senate of Canada calls upon the Government of Canada to establish a specific timetable that will enable Canada to meet its longstanding commitment to provide 0.7 per cent of its Gross National Income as official international development assistance; and

That the Senate of Canada calls upon the Government of Canada to provide funds, within the budgetary process, to achieve this objective at latest by the year 2015, beginning, with an immediate one hundred percent increase in official development assistance in the next fiscal year.—(*Honourable Senator Pearson*)

**Hon. Landon Pearson:** Honourable senators, I rise today to support Senator Andreychuk's motion that the Senate of Canada call upon the Government of Canada to establish a specific timetable to meet its long-standing commitment to allocate 0.7 per cent of Gross National Income for Official Development Assistance, or ODA. Canada accepted this target in 1970 and has repeatedly reaffirmed its commitment. Yet, in 2002-03, Canadian assistance represented only 0.28 percent of its gross national income. While there has been an upsurge in our aid flow, we still have a long way to go.

I agree with what my honourable colleague had to say about the generosity of Canadians towards those who are less fortunate than themselves, a generosity that was so clearly demonstrated by the overwhelming public response to the tsunami disaster. I am further convinced that, given the opportunity to contribute constructively to the poorest of the poor in other countries, particularly to children, Canadians will always come through. Our ODA, better targeted and managed than it used to be, is one

of the opportunities that we have as citizens of Canada to make a difference, but at the moment it is far from enough to address the major issues that the world's children now confront.

UNICEF 2005's State of the World's Children report is devoted to the most important of these issues. It is appropriately entitled "Childhood under Threat." After the ratification of the United Nations Convention on the Rights of the Child, there have been significant advances in the "fulfillment of children's rights to survival, health and education through the provision of essential goods and services and a growing recognition of the need to create a protective environment to shield children from exploitation, abuse and violence."

These gains are now under threat in many parts of the world, owing primarily to poverty, armed conflict and to HIV/AIDS. UNICEF concludes that "swift, decisive action is required to reduce the poverty that children experience, protect them from armed conflict and support those orphaned or made vulnerable by HIV/AIDS."

The effectiveness of that action depends to a great extent on the level of financing available through, among other resources, Official Development Assistance, or ODA, from the world's most affluent countries, including our own. The international policy statement released today concludes in its section on development that we are the first generation in human history to have the means to eliminate poverty. Canada is prepared to act. With the energy, skills and resources of Canadians effectively marshalled in pursuit of this goal, we can make a difference.

I will devote the rest of my comment to "Partners in Development," the World Bank-sponsored report that was prepared by an international commission under the direction of the Right Honourable Lester B. Pearson, the man I was privileged to know and love as my father-in-law, and for whom my admiration only continues to grow. This was the report that introduced the target of 0.7 per cent of gross national product, now known as gross national income, be devoted to foreign aid. I find that the words he wrote in "Partners in Development" are as relevant today as they were in 1969. The report opens with this statement:

The widening gap between the developed and developing countries has become a central issue of our time.

It continues with this in answer to the question, why aid?

Even in the best conditions, development will be untidy, uneven, and ridden with turmoil. Great forward movements in history usually are. The thing to remember is that the process, global in scope, and international in nature, must succeed if there is finally to be peace, security, and stability in the world.

If the developed nations wish to preserve their own position in that world, they must play their full part in creating a world order within which all nations, and all men, can live in freedom, dignity, and decency.

In short, we face an essential need and an unprecedented opportunity. International development is a great challenge of our age. Our response to it will show whether we

understand the implications of interdependence or whether we prefer to delude ourselves that the poverty and deprivation of the great majority of mankind can be ignored without tragic consequences to all.

"Partners in Development" is a remarkable report, and one can only wonder what would have happened if we had achieved the goal of 0.7 per cent by 1975, as the report recommended, or by 1980 at the latest. What currents in the flood of history might have been changed by more substantial aid flows? Many of the problems addressed by the commission have exacerbated since 1969 — the sprawl of cities, the increase in populations, youth unemployment, civil conflict, mounting debts, problems of food security and environmental degradation. New issues have come forward that were either invisible or just emerging at the time, in particular HIV/AIDS and the sexual exploitation of children, desertification and climate change, water shortages, and since 9/11 in particular, the fear and the reality of terrorism. Yet, the strategy recommended by the Pearson report would still work.

Remember that the report was entitled "Partners in Development" and consistently called upon both donors and recipients to work together. For development to work, it stated that aid, trade and investment policies must be integrated into a single strategy which rests firmly upon the performance of the developing countries themselves and the sustained commitment of the richer countries, to which I can only say, more than 35 years later, "Amen."

The eight millennium development goals, fully supported in today's international policy statement, cannot be achieved without our sustained commitment, and that commitment will not be visible to Canadians, to say nothing of the rest of the world, unless we lay out, for all to see, our intended pathway toward 0.7 per cent. I know this benchmark is symbolic but it is a powerful symbol. Five European countries have already surpassed it, and six others, including Great Britain, have said that they will reach it within 10 years. Are Canadians less generous? I do not think so. Given our recent history with respect to ODA, I recognize that any increase in aid will be incremental. There is no reason not to ask for as much as feasible year by year, and no reason at all not to establish a timetable that puts us in the same league as the like-minded nations of Europe.

I thank Senator Andreychuk for her motion, and I urge all of my colleagues to be partners in development.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On the Order:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science, and Technology be authorized to meet on Monday, April 25 and Tuesday, April 26, 2005 as part of its study of issues concerning mental health and mental illness, even though the Senate may then be adjourned for a period exceeding one week.



**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, my understanding is that possibly this motion should be withdrawn from the Order Paper, as it is now irrelevant.

**The Hon. the Speaker:** Is it agreed, honourable senators, that this motion be withdrawn?

**Hon. Senators:** Agreed.

Motion withdrawn.

• (1610)

[Translation]

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### MOTION TO ALLOW REINTRODUCTION OF BILLS FROM ONE PARLIAMENTARY SESSION TO THE NEXT—DEBATE ADJOURNED

**Hon. Céline Hervieux-Payette,** pursuant to notice given on April 14, 2005, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session with a view to including, in the *Rules of the Senate*, a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process.

She said: Honourable senators, according to the legislative process and the authorities, we are at the beginning of a new session. A public bill tabled during a parliamentary session can be reintroduced at the same procedural stage as it was at prorogation. This is made possible by the adoption of a motion to that effect or a new provision in the *Rules of the Senate*.

Not being an expert, I therefore proposed to return this motion to the Standing Committee on Rules, Procedures and the Rights of Parliament. I would, however, like to say that this is a kind of insurance policy. We may have an election in 2005, 2006 or 2007. For reasons of efficiency and the reputation of the Senate, it would be an advantage not to have to constantly start over from scratch. I would like to draw to the attention of the Senate that, in the 35th and 38th legislatures, there were 32 bills that reappeared several times, examples being the bill to protect Internet messages, the bill to amend the National Anthem, and the one on lotteries.

In short, senators spend a lot of time and energy in order to do thorough research and study the issues. They always end up having to start their work over with each new session. Out of respect for the work of the honourable senators, all the experts consulted and the people who work generally without

remuneration doing in-depth research and in order to improve the reputation of our institution, we as senators and legislators should adopt this motion.

Our primary role is that of legislator. We must take this role seriously when we introduce a bill of regional interest, in certain cases, or of particular interest, with respect to a matter that is not on the government's agenda. This proposal to amend the *Rules of the Senate* would benefit all honourable senators and our institution. For this reason, honourable senators, I move that consideration of this matter be referred to the Senate Standing Committee on Rules, Procedure and the Rights of Parliament.

[English]

**Hon. Jack Austin (Leader of the Government):** Honourable senators, perhaps I could start by asking Senator Hervieux-Payette a question. In the other place, government bills are reinstated by government ministers. It is the decision of the government whether a government bill is to be reinstated. Does the honourable senator have the same idea in mind here?

In the other place, private members' bills are reinstated if the private members wish them to be reinstated. Does the honourable senator have the same idea in mind for the rules here?

[Translation]

**Senator Hervieux-Payette:** In fact, honourable senators, reinstating government bills and senators' bills would speak to our efficiency. It is up to the government or the senator in question to reinstate them. Each can always choose not to do so. But starting all over again when a senator has done a study is tedious. Senator Lapointe's bill on lotteries comes to mind as an example. Beginning afresh perpetually is not in the interest of our institution. We will show the value of our role as legislators, senators and government. When the government considers legislation important, it need only reinstate the bill. We will not have to start all over. This approach will benefit all parliamentarians and the operations of our organizations. So, we must study the motion and make recommendations, knowing that it is perfectly legal to do so.

On motion of Senator Stratton, debate adjourned.

[English]

## BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Before I move the adjournment motion, I would like to tell honourable senators that Senator Adams and I have been away in the North, where we witnessed a unique agreement between two Inuit communities. I appreciated the assistance of Senator Robichaud while I was away.

The Senate adjourned until Wednesday, April 20, 2005, at 1:30 p.m.

# CONTENTS

Tuesday, April 19, 2005

	PAGE		PAGE
<b>Visitors in the Gallery</b>		<b>Royal Canadian Mounted Police</b>	
Hon. the Speaker .....	1060	Reinstatement of Constable Robert Read.	
		Hon. Marjory LeBreton .....	1065
		Hon. Jack Austin .....	1065
<b>SENATORS' STATEMENTS</b>		<b>Justice</b>	
<b>Wills</b>		Commission of Inquiry into Sponsorship Program and	
Hon. Sharon Carstairs .....	1060	Advertising Activities—Financial Controls.	
<b>Criminal Profiling</b>		Hon. Gerry St. Germain .....	1065
Hon. Donald H. Oliver .....	1060	Hon. Jack Austin .....	1066
<b>National Volunteer Week</b>		<b>Delayed Answers to Oral Questions</b> .....	1066
Hon. Joan Cook .....	1061		
<b>Appointment of Cardinal Joseph Ratzinger as Pope Benedict XVI</b>		<b>Fisheries and Oceans</b>	
Hon. Consiglio Di Nino .....	1061	Meeting of Deputy Ministers to Discuss Agenda for Upcoming	
<b>Leslie Weir</b>		Ministers Meeting—Disagreement with P.E.I. Representatives.	
Congratulations on Receiving Advanced Certified Fund Raising		Hon. Jack Austin .....	1066
Executive Accreditation.		Point of Order.	
Hon. Terry M. Mercer .....	1061	Hon. Gerry St. Germain .....	1066
<b>National Volunteer Week</b>		Hon. Jack Austin .....	1066
Hon. Marjory LeBreton .....	1062	Hon. Bill Rompkey .....	1066
		Hon. Marcel Prud'homme .....	1067
<b>ROUTINE PROCEEDINGS</b>		<b>Agriculture and Agri-Food</b>	
<b>International Policy Statement</b>		Bovine Spongiform Encephalopathy—Aid to Cattle Industry—	
Adopted.		Culling of Older Animals.	
Hon. Bill Rompkey .....	1062	Question by Senator St. Germain.	
<b>Fisheries and Oceans</b>		Hon. Bill Rompkey .....	1067
Report and Authorization to Engage Services and Travel—			
Report of Committee on Study of Government Policy		<b>ORDERS OF THE DAY</b>	
Managing Fisheries and Oceans Presented.		<b>Financial Administration Act</b>	
Hon. Gerald J. Comeau .....	1062	Canada School of Public Service Act	
<b>Agriculture and Forestry</b>		<b>Official Languages Act (Bill C-8)</b>	
Report—Report of Committee on Study of Present State		Bill to Amend—Third Reading.	
and Future of Agriculture and Forestry Presented.		Hon. Pierrette Ringuette .....	1067
Hon. Joyce Fairbairn .....	1063	Hon. Donald H. Oliver .....	1067
<b>Business of the Senate</b>		<b>Statistics Act (Bill S-18)</b>	
Vote of Motion to Authorize Certain Standing Committees		Bill to Amend—Third Reading—Debate Continued—Vote Deferred.	
Meet During Adjournment of the Senate.		Hon. John Lynch-Staunton .....	1070
Hon. Bill Rompkey .....	1063	Hon. Lowell Murray .....	1072
		Hon. Gerald J. Comeau .....	1072
<b>QUESTION PERIOD</b>		Hon. Marjory LeBreton .....	1073
<b>Environment</b>		<b>Spam Control Bill (Bill S-15)</b>	
Report to Protocol—Plan of Compliance.		Second Reading—Debate Continued.	
Hon. Terry Stratton .....	1063	Hon. Marjory LeBreton .....	1073
Hon. Jack Austin .....	1063	<b>Bankruptcy and Insolvency Act (Bill S-28)</b>	
Hon. A. Raynell Andreychuk .....	1064	Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Mira Spivak .....	1064	Hon. Wilfred P. Moore .....	1073
<b>Treasury Board</b>		<b>Boy Scouts of Canada (Bill S-27)</b>	
Proposal that Auditor General Audit Recipients		Private Bill to Amend Act of Incorporation—Second Reading.	
Government Grants.		Hon. Mobina S. B. Jaffer .....	1075
Hon. Donald H. Oliver .....	1065	Hon. Consiglio Di Nino .....	1076
Hon. Jack Austin .....	1065	Referred to Committee .....	1076
		<b>Internal Economy, Budgets and Administration</b>	
		Eighth Report of Committee Adopted.	
		Hon. Wilfred P. Moore .....	1076



	PAGE
<b>Foreign Affairs</b>	
Budget and Authorization to Engage Services and Travel— Report of Committee on Study of Matters Related to Africa Adopted.	
Hon. Consiglio Di Nino . . . . .	1076
Budget and Authorization to Engage Services and Travel— Report of Committee on Study of Issues Related to Foreign Affairs Adopted.	
Hon. Consiglio Di Nino . . . . .	1076
<b>International Development Assistance</b>	
Motion Urging Government to Meet Commitment— Debate Continued.	
Hon. Landon Pearson . . . . .	1076

	PAGE
<b>Social Affairs, Science and Technology</b>	
Motion to Authorize Committee to Meet During Adjournment of the Senate Withdrawn.	
Hon. Bill Rompkey . . . . .	1078
<b>Rules, Procedures and the Rights of Parliament</b>	
Motion to Allow Reintroduction of Bills from One Parliamentary Session to the Next—Debate Adjourned.	
Hon. Céline Hervieux-Payette . . . . .	1078
Hon. Jack Austin . . . . .	1078
<b>Business of the Senate</b>	
Hon. Bill Rompkey . . . . .	1078







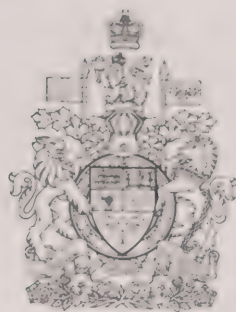






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CANADA

# Debates of the Senate

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38th PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)

Wednesday, April 20, 2005

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, April 20, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### REPORT OF L'AUTORITÉ DES MARCHÉS FINANCIERS

**Hon. Madeleine Plamondon:** Honourable senators, I would like to draw to your attention an important report by Quebec's Autorité des marchés financiers, dated April 14.

The report concerns the commercial practices among property and casualty insurance brokers in Quebec.

Its findings confirm what a number of consumers groups have already decried: brokers, who should be independent of the major insurance companies are not, in fact. Brokers steer their business to one or two large insurance companies. Some practices, such as making loans to firms, holding property liens and making block transfers are not in consumers' best interests.

The report indicates, on the subject of loans to firms, that insurers give loans to the firms they do business with. There are conditions attached to the loans, which, in some instances, continue to apply from one to five years after the insurer's loan is repaid. Firms may be required to deliver a minimum volume of premiums to the lending insurance company.

In the case of property liens, now, 23 per cent of the major firms have reported that an insurer held a property lien with them. In over 90 per cent of the cases, insurers with an interest in firms are front runners in sales.

Let us move on to the next point now: block transfers of business. In the case of a firm, a block transfer involves transferring client business from one insurer to another, in exchange for additional sums.

Finally, there are the contingent commissions paid to firms by insurers. Basic payments are sweetened if an objective of selling the insurer's products is met. It feels as if the tsunami generated by the investigations of Eliot Spitzer, the Attorney-General of New York, is making waves in Canada. In 2003, in Quebec alone, sales of property and casualty insurance amounted to \$6.7 billion dollars, \$4.2 billion of which was personal insurance.

This insurance no doubt has an impact on liability insurance and individuals' personal home and auto liability.

The problems raised in the report are significant.

[English]

Honourable senators, these practices influence Canadians' premiums and their freedom of choice. As the Autorité des marchés financiers will consult the insurance industry and consumers on the best regulatory solutions, we should be alert.

[Translation]

In the meantime, consumers need to question their brokers in order to find out the real range of companies offered to them, and to determine which company best suits their particular needs.

*Caveat emptor!*

Consumer beware!

Consommateur, protège-toi!

### CRIMINAL CODE

#### WITHDRAWAL OF SECTION 43 PROTECTION OF CHILDREN

**Hon. Céline Hervieux-Payette:** Honourable senators, I would like to draw your attention today to a petition tabled in the House of Commons on Monday, calling for the repeal of section 43 of the Criminal Code.

This is the text of the petition, signed by 3,000 persons and sponsored by Dr. Pierre Mailloux, a psychiatrist, and Mr. Jacques Béliveau, whom I would like to congratulate on this initiative. Their petition reads as follows:

By these presents, we call upon the Prime Minister of Canada to repeal section 43 of the Canadian Criminal Code, which reads as follows:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

At the present time, more than 150 Canadian associations and organizations working with children support the pure and simple abolition of the defence allowing parents and teachers to use physical correction on children. Dr. Mailloux, moreover, says the following on page 52 of his publication *Pour l'amour des enfants — Non aux châtiments corporels*:

The problem is that it is not necessary to hit a child often, or to strike him or her with force. The effects are unpredictable. If the child has a strong character, soon a little smack will not be enough. It will escalate to spanking with the hand, then with a ruler, a belt, a stick. Just how far are you prepared to go? Will the child be scarred for life? This happens, and it happens more often that we like to admit.



Section 43 of the Criminal Code is no longer acceptable in Canada. We must respect the United Nations Convention on the Rights of the Child, which Canada signed and ratified, but did not implement. Some 15 countries, mostly in the European Union, amended their laws in order to meet their obligations under the convention. Sweden, in particular, which amended its law in 1979, saw a dramatic drop in juvenile delinquency and child placement with the adoption of this measure. Politics aside, the general situation for children has to improve and this measure does not require major investment.

That is why, honourable senators, it is important to pass Bill S-21 as soon as possible.

• (1340)

[English]

#### MS. VIRGINIA REDHEAD

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Before the HMCS *Winnipeg* set sail for the Persian Gulf from Victoria, British Columbia, a little over a week ago, the crew invited a very special guest from Winnipeg to see them off — 20-year-old Virginia Redhead, a woman of remarkable courage and determination.

The HMCS *Winnipeg* supports the Firefighters' Burn Fund of Manitoba. The burn fund has provided some \$1 million-worth of equipment to the Health Sciences Centre Burn Unit. Last February, when the crew of the HMCS *Winnipeg* was touring the burn unit, the Firefighters' Burn Fund invited Virginia to meet with them.

While still a toddler, Virginia was caught in a fire that burned 90 per cent of her body. She lost both her hands and has gone through painful surgeries and skin grafts as she has grown. The burn unit was Virginia's home until she was four years old, and she has spent countless hours there since. According to Virginia, "It's changed my life big time; I wouldn't know how to cope."

Gary Macdonald, a co-founder of the burn fund, and his wife, Sandy, are close friends of Virginia's, whom Gary describes as "a little tiger." According to Gary, when the sailors of the HMCS *Winnipeg* met Virginia, they hit it off right away. He said, "They loved her and treated her like a person." They knew that they wanted this remarkable woman to bid them farewell when they left for the Gulf.

Virginia's trip to Victoria for the deployment was both enjoyable and emotional. She met the rest of the crew of the HMCS *Winnipeg* and found them all wonderfully hospitable. Now back in Winnipeg, Virginia is working to complete her grade 12. She has recently moved out on her own and, as she says, "likes to be with my friends and family, and go out and have fun." In other words, a typical kid. She was also a counsellor at a camp for burn survivors from age 5 to 17, which she herself attended when she was younger. She says, "I spread my experience to the other kids and help them not to be afraid of scars and to look at the inside."

Virginia says that she has always worked with kids and that she is hoping to continue working with them. To get her plan into action, she intends to take a two-year course in child and youth care at Red River Community College starting next fall. However, she has other plans as well, and that is to go out into the world and tell people about burn survivors.

Virginia, good luck on your journey. Your courage is inspiring young burn survivors. It is also inspiring Canadian sailors in the Gulf, and me.

#### MASILIT AND TORNGAT FISH PRODUCERS COOPERATIVE SOCIETY FISHING AGREEMENT

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, yesterday Senator Adams and I — and Senator Comeau, Senator Watt and Senator Sibbeston were there as well — had the pleasure of witnessing the signing of an historic agreement between two Inuit groups for a new fish harvesting venture. Nattivak Hunters and Trappers of Nunavut's new fishing company, Masiliit, and Torngat Fish Producers Cooperative Society of Northern Labrador have entered into an agreement to harvest Torngat's 160-tonne turbot quota. The catch will be delivered to the fish plant at Makkovik, Labrador, creating much-needed jobs for that community. The quota will be caught by Masiliit's new fishing vessel, the *Genny and Doug*, a modern 100-foot fixed-gear fishing vessel. An additional 160 tonnes of Nattivak's 330-tonne turbot quota will be landed at Makkovik.

Torngat Fish Producers Cooperative is an Aboriginal cooperative formed in 1980 by fishermen and plant workers from six Northern Labrador communities. The co-op has processed a wide variety of seafood products, particularly since it was hard hit by the cod and salmon moratoria. They have had successful operations in crab, scallop, turbot, char, whelk, sea urchin and seal. The co-op's activities are financed in part by commission income received from its offshore fish licence, which it has had since the 1970s.

It is ironic, honourable senators, that nations cannot agree on who can fish what quotas within and without Canada's 200-mile limit, but Canadian Inuit can find ways of pooling resources, catching capacity and processing so that everyone benefits. Perhaps we can learn something that the Inuit have believed in for centuries and is fundamental to their way of life — cooperation and sharing.

I join Senator Adams in congratulating and saluting Nattivak and Torngat on the success they continue to achieve on behalf of their people.

#### FOREIGN AFFAIRS

##### CHINA—RIGHT TO PROTEST

**Hon. Consiglio Di Nino:** Honourable senators, over the last few days I was pleased to see that thousands of Chinese citizens have been engaged in public demonstrations to voice their displeasure about alleged injustices and atrocities committed by Japanese soldiers during their occupation of China. Without commenting on the merits of their protests, I applaud this collective action by

the Chinese people and hope that it represents a breakthrough for the citizens of that country to be allowed to take strong public stands to protest injustices and wrongdoings.

The question is: Will the citizens of China be allowed to protest the injustices of their own government? The Chinese people have taken strong collective action against their own government before, including in Tiananmen Square in 1989, when thousands of protesters for democratic reform took to the streets, only to be brutally dispersed by the Chinese military government, causing thousands of deaths.

I hope the recent citizen actions in China will eventually lead to their ability to protest the Chinese government's denial of fundamental rights and freedoms, such as the brutal repression of the Tibetan people, the religious persecution of groups like the Falun Gong, the oppression of Uygur people in the Xinjiang region and the bullying of Taiwan.

Could the events of the past days really be a wind of change in China? Are we seeing the Tiananmen Square spirit rise again? I certainly hope so. Or is this just another sanctioned and controlled event? I hope not.

Honourable senators, I choose to remain optimistic that soon the light of justice, freedom and fundamental rights will once again shine fully on China.

#### MASILIIT AND TORNGAT FISH PRODUCERS COOPERATIVE SOCIETY FISHING AGREEMENT

**Hon. Willie Adams:** Honourable senators, I would like to join with my colleague Senator Rompkey in his statement of a few moments ago.

The guests introduced yesterday in this chamber were in Ottawa to sign an historic agreement between the Qikiqtarjuaq Nattivak Hunters and Trappers Association's new fishing company, Masiliit, and Torngat Fish Producers Cooperative Society of Makkovik, Labrador.

The ceremony was attended by Senators Rompkey, Watt, Sibbeston and Comeau, the chairman and members of the Fisheries Committee. Also in attendance were members of Parliament Peter Stoffer and Shawn Murphy, who is the Parliamentary Secretary to the Fisheries Minister, Geoff Regan. Mr. Wally Anderson, a member of the Legislature of Newfoundland and Labrador, who represents the riding of Makkovik, came to Ottawa to witness the signing.

Ms. Signoorie, an elder from the Inuit community, blessed the ceremony and later, in my office, lit the kudlik, which symbolizes the light and the warmth of an Inuit home. There were throat singers and five-year-old drummers from the Inuit Headstart Program, and these young people represent the future of Nunavut and our desire to administer our resources.

As honourable senators will remember, the Senate Fisheries Committee carried out a study on the Nunavut and Nunavik fishing industry in the fall of 2003, and one of the

recommendations of the study proposed that, in planning the future of the Nunavut fishing industry, small-vessel community fisheries be considered. This will be the first such undertaking.

This is an historic agreement because it is the first agreement of its kind in the North as it is between two Inuit organizations that are made up exclusively of Inuit fishermen and plant workers from Nunavut and Labrador.

The agreement sets out that the two organizations will share quota which has been allocated to each community for common purposes. The Nattivak Hunters and Trappers Association recently purchased a new 100-foot fixed-gear fishing vessel and when it fishes the Torngat quota, it will land the catch at their fish plant in Makkovik.

• (1350)

Both communities will benefit from this agreement by providing much needed jobs in both the fishing and processing aspects of the industry. Honourable senators, I hope this is the first of many agreements to be signed.

Three years ago, the Senate Fisheries Committee, chaired by Senator Comeau, went to Nunavut as part of its study on the future of fishing in Nunavut. After talking to the people in the community, we made recommendations for the future of the Nunavut fishery and the harvesting of the fish. The future lies with cooperation with the people in Nunavut, as they are familiar with the fishing in the area. Some of the Inuit have been working in the fishery up there for 15 or 20 years. I look forward to more jobs and a better economy for these communities in the future.

## ROUTINE PROCEEDINGS

### BANKING, TRADE AND COMMERCE

#### BUDGET—REPORT OF COMMITTEE ON STUDY OF CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR PRESENTED

**Hon. Jeremiah S. Grafstein,** Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Wednesday, April 20, 2005

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

#### NINTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, November 16, 2004 to examine and report on consumer issues arising in the financial services sector, respectfully requests the approval of funds for fiscal year 2005-2006.



Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix A, p. 780.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE  
SERVICES—REPORT OF COMMITTEE ON STUDY  
OF ISSUES DEALING WITH DEMOGRAPHIC  
CHANGE PRESENTED

**Hon. Jerahmiel S. Grafstein,** Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Wednesday, April 20, 2005

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, November 23, 2004 to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix B, p. 786.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[ Senator Grafstein ]

BUDGET AND AUTHORIZATION TO TRAVEL—  
REPORT OF COMMITTEE ON STUDY  
OF DOMESTIC AND INTERNATIONAL  
FINANCIAL SYSTEM PRESENTED

**Hon. Jerahmiel S. Grafstein,** Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Wednesday, April 20, 2005

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

ELEVENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 20, 2004 to examine and report upon the present state of the domestic and international financial system, respectfully requests that it be empowered to travel outside Canada for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix C, p. 791.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE  
SERVICES—REPORT OF COMMITTEE ON STUDY  
OF ISSUES DEALING WITH INTERPROVINCIAL  
BARRIERS TO TRADE PRESENTED

**Hon. Jerahmiel S. Grafstein,** Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Wednesday, April 20, 2005

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TWELFTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, November 23, 2004 to examine and report on issues dealing with interprovincial barriers to trade, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix D, p. 796.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE  
SERVICES—REPORT OF COMMITTEE  
ON STUDY OF ISSUES DEALING WITH RATE  
OF PRODUCTIVITY PRESENTED

**Hon. Jeremiah S. Grafstein,** Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Wednesday, April 20, 2005

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRTEENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, November 23, 2004 to examine and report on issues dealing with productivity, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix E, p. 801.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

L'ASSEMBLÉE PARLEMENTAIRE  
DE LA FRANCOPHONIE

MEETING OF POLITICAL COMMITTEE,  
MARCH 3-6, 2005—REPORT TABLED

**Hon. Rose-Marie Losier-Cool:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Branch of the Assemblée parlementaire de la Francophonie on its attendance at the meeting of the Political Committee of the APF held in Libreville, Gabon, from March 3 to 6, 2005.

[English]

REBUILDING OF SOUTHEAST ASIA AFTER TSUNAMI

INQUIRY

**Hon. Lorna Milne:** Honourable senators, pursuant to rule 56, I give notice that, at the next sitting of the Senate:

I shall call the attention of the Senate to my recent visit to Indonesia and to Canada's effort to help rebuild Southeast Asia after the tragic tsunami of December 26, 2004.

**The Hon. the Speaker:** Honourable senators, is leave granted for this inquiry to be given one-day's notice rather than two?

**Hon. Senators:** Agreed.

QUESTION PERIOD

THE ENVIRONMENT

KYOTO PROTOCOL—PLAN OF COMPLIANCE

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate and relates to whether Paul Martin can be trusted on the issue of climate change. In last week's *Globe and Mail*, Industry Minister David Emerson said that to meet the Kyoto target, the government would buy emission credits, or hot air credits, from countries that have met and exceeded their climate change targets. This includes countries whose economies have collapsed, as I said earlier, such as Russia. The Kyoto plan itself says:

...the Climate Fund will purchase domestic emission reductions and, in those cases that are demonstrably in the national interest, international reductions that are recognized under the Kyoto Protocol.



• (1400)

Paul Martin said it was the wrong way to go in 2002 when he told the other place that we must reject outright the purchase of hot-air credits from abroad. Canadian dollars are better invested in meaningful emissions-reduction technology here in Canada.

Finance Minister Ralph Goodale spoke against buying hot-air credits when he told the House of Commons Standing Committee on Environment and Sustainable Development in February, a mere two months ago, that, clearly, that kind of international expenditure is not on Canada's agenda.

This government has had eight years to get it right. Why the flip-flop? How can we trust Paul Martin when he has so clearly said one thing and then does another?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the government's Kyoto plan has been widely accepted by both the business and environmental communities. The methods by which we will achieve our objectives for the Kyoto Protocol are laid out in Project Green and the general plan.

With respect to the question of whether Canada will need to buy credits to meet its objectives, that remains to be seen. As I said yesterday in answer to an almost identical question from Senator Stratton, that is not our preferred objective. However, Canada has international obligations and it is fair to let the environmental and economic communities know that if we cannot reach those targets — meaning if all of us working together, business, governments and individuals, cannot achieve those targets — and Canada wishes to comply with its Kyoto obligations, then that alternative is present. It is not the government's preferred alternative.

**Senator Stratton:** The Honourable Leader of the Government is saying that is not his preferred alternative. However, buying the hot-air credits is described in the plan, "one of the primary tools for Canada's approach to climate change."

What is the honourable senator telling us, that what is in the plan and as I quoted, is not in the plan?

**Senator Austin:** I hope Senator Stratton can tell the difference between priorities and the way in which our objectives will be achieved. I said yesterday we live on one planet. No one country can be clean and other countries remain environmentally under difficulty. We live on one planet and the environmental issue is a problem for the entire planet.

Canada wants to make its contribution. We want to do it, as far as we possibly can, by using all the steps that we can take domestically. However, there is pollution coming to Canada from many parts of the world. If, for example, we can help reduce the pollution coming to Canada or circulating around the world from a country such as China, by ensuring that steps are taken with respect to global management, then we will have to do so.

**Senator Stratton:** It is interesting how the honourable senator dances around the statement. In the plan, it states, and I reinforce once again, it is "one of the primary tools for Canada's approach to climate change." If that does not tell you that it is on the top echelon in terms of the tool, I do not know what does.

If the honourable senator is so concerned to get across the message that his government is environmentally friendly, we have a bill in the Senate right now called Bill C-15, which will strengthen enforcement of measures designed to protect Canada's marine environment from polluters. Every Atlantic premier and the overwhelming majority of Canadians want this bill passed.

Can the honourable senator tell me when we can expect that back from committee?

**Senator Austin:** Senator Stratton knows as well I that the committee has charge of the bill and the Senate awaits its report.

**Senator Stratton:** Does the leader not think that if we have this spectre of an election hanging over our heads that we would do everything in our power to expedite this bill out of committee?

**Senator Austin:** Honourable senators, I trust the judgment of the committee and I await its report.

**Hon. Leonard J. Gustafson:** It is my understanding that many of the major countries are not going along with the Kyoto plan. Would it not be better to take a domestic approach, something that the Europeans have done and the Americans are starting to do? They have combined agriculture, environment and rural development under one package. Given these other countries that are not participating, such an approach would probably serve to deal with a lot of the environmental problems in a very positive way, and would not cost \$10 billion.

**Senator Austin:** I wonder if Senator Gustafson could help me by asking a supplementary question so I may understand his first question better.

**Senator Gustafson:** It is a known fact that the European Union countries have been dealing with the environmental situation at the local level, within their own countries. They have put agriculture, environment and rural development in one package in order to do something positive to control emissions into the environment.

Does the leader think it would be possible to do something like that in Canada, which would not cost \$10 billion, and would have a direct impact on the environmental situation in Canada?

**Senator Austin:** Honourable senators, I am not clear on the suggestion that Senator Gustafson is making. Is Senator Gustafson talking about institutional combinations or program combinations? Perhaps we could try one more time.

**Senator Gustafson:** This is a program that has worked very well in European Union countries, with their agriculture program and environment program. After all, who could be better custodians of the land than the farmers, than agriculture? Of course, Europe has capitalized on that, and the Americans are starting to capitalize on it.

**Senator Austin:** The difficulty is that I think we are doing that. Project Green, first phase, which is the plan for honouring the Kyoto commitment, requires us to close our greenhouse gas emissions gap by 270 megatons by 2012. The Climate Fund plan is designed to reach a target of between 75 megatons and

115 megatons. Announced in the budget for 2005, the Climate Fund is a market-based institution for the purchase of emission reductions and removals, and the purchase will be of greenhouse gas reductions from farmers, business communities, Canadians and other innovators. The package is addressing the total community, as far as I understand it.

**Senator Gustafson:** The government does not have a program to address, for instance, lands that might not be totally suitable for grain farming. The government could put in a program that would turn that land into grassland, or something that would be environmentally sound and work for the benefit, not only for the farmer, but for all Canadians.

**Senator Austin:** I will send that comment to the Minister of the Environment.

## TRANSPORT

### REPORT OF FEDERAL ADVISORY COMMITTEE ON MARINE ATLANTIC FERRY SERVICE

**Hon. Ethel Cochrane:** Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the federal advisory committee that has reviewed the Marine Atlantic Ferry Service between North Sydney, Nova Scotia and my province of Newfoundland and Labrador.

• (1410)

The committee's final report was scheduled to be submitted to Minister of Transport Jean Lapierre on April 1. Almost three weeks have passed since that date, but the report's findings have not yet been made public.

Would the Leader of the Government in the Senate make inquiries and inform us when the contents of this report will be released?

**Hon. Jack Austin (Leader of the Government):** Honourable senator, I certainly shall.

**Senator Cochrane:** Honourable senators, the contents of this report are in respect of an area of great concern. The people who will be affected in that region in my province have been contacting me over the past weeks. They are mainly from rural communities, as are others who are concerned from the other Atlantic provinces. There will be a great deal of uncertainty surrounding any recommendations that the federal advisory committee may make in the areas of privatization, downsizing, and outsourcing. Coming from rural Newfoundland as I do, I can certainly appreciate how serious those three particular topics are.

If the Department of Transport cannot commit to a firm date on releasing this report to the public, could it at least give us the assurance that the report will be released as quickly as possible?

**Senator Austin:** As I indicated, I will pursue an answer to the honourable senator's question.

## PRIME MINISTER

### SPONSORSHIP PROGRAM INVOLVEMENT IN AWARDING OF CONTRACTS

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate. Last Monday, Mr. Warren Kinsella testified before the Public Accounts Committee of the other place that, during the time that he worked for the then Public Works Minister David Dingwall, there was a dispute involving a contract, and that Paul Martin "phoned me at my home to express his annoyance with what was taking place."

To the knowledge of the Leader of the Government, does the Prime Minister intend to stick by his story that he did not get involved in the awarding of federal public contracts? If he intends to stick by this story, are we to believe that he did not know what was going on in his own office?

**Hon. Jack Austin (Leader of the Government):** As I said yesterday, the Prime Minister gave his evidence to the Gomery commission.

**Senator St. Germain:** Honourable senators, Monday's testimony before the Public Accounts Committee boils down to the fact that the Prime Minister knew that the contracts were possibly rigged to favour a certain firm, that he knew that there were claims of bad behaviour involving contracts for a firm closely tied to his leadership campaign and that he threatened to quit as Minister of Finance if his top advisor was disciplined over the matter.

What explanation does the Leader of the Government have for testimony of this nature that is not before the Gomery inquiry? This was evidence taken before the Public Accounts Committee in the other place.

**Senator Austin:** That is where it should stay, honourable senators, until that committee presents its report.

**Senator St. Germain:** Honourable senators, I hear what the Leader of the Government in the Senate is saying, but Canadians across this country, who are asking questions of many of us of what is going on here in Ottawa, deserve an answer.

**Senator Austin:** Honourable senators, the best source of information on this topic is, of course, to question the principals in the other place. I cannot stand at a distance, with no personal knowledge of these events, and make any comments.

## HEALTH

### COMPENSATION TO HEPATITIS C VICTIMS

**Hon. Wilbert J. Keon:** I have a question for the Leader of the Government in the Senate. Honourable senators, on November 22, 2004, the Minister of Health said that the federal government would begin negotiations with the roughly 5,000 tainted blood victims who had been initially excluded from financial compensation, specifically those infected with



Hepatitis C prior to 1986 and after 1990. Five months have passed since the federal government announced this policy reversal, but it is not clear that these people and their families are any closer to receiving the compensation that they are clearly owed. Could the Leader of the Government in the Senate update us on the progress of this situation?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the various questions relating to the Hepatitis C victims who have not been the subject of compensation — and I believe those are people who were infected prior to 1986 and after 1990 — is an ongoing matter with the government, and negotiations between the government and legal counsel representing those people are very active.

As I have answered in the past with respect to the status of the Hepatitis C victims who became infected after we were made aware — “we” being the responsible authorities — that there might be tainted blood and that they might be at risk, the funds transferred to them are being held in a court trust. Those funds are apparently more than adequate to deal with any compensation claims that such people may have.

One question is whether there are funds in that account that counsel for the people infected between 1986 to 1990 are prepared to see released to other victims.

**Senator Keon:** Honourable senators, we have heard that the federal government is waiting until June to learn if there is a surplus of the money referred to. However, if the federal government chose to, it could provide compensation to all Hepatitis C victims without further delay. I do not quite understand how the money would go back, but the government could certainly compensate them now, should it choose to do so.

Would the Honourable Leader of the Government in the Senate make inquiries as to whether the government might choose to do this because, as the leader knows, the government is now living in some uncertain times and these people may get lost in the shuffle.

**Senator Austin:** I certainly will make further inquiries.

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**MS. JILL ANNE JOSEPH**

CLERK AT THE TABLE

**The Hon. the Speaker:** Honourable senators, before going to Orders of the Day, I would like to draw your attention to the presence at the clerk's table of Ms. Jill Anne Joseph, Deputy Principal Clerk, and, in particular, draw to your attention the fact that this is the first day on which she has served as a table officer.

Ms. Joseph began her career in the Senate in 1990, and was appointed Deputy Principal Clerk in February of 2004.

It is good to see you at the table.

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[ Senator Keon ]

## ORDERS OF THE DAY

### BUDGET IMPLEMENTATION BILL, 2004, NO. 2

#### SECOND READING—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Moore, for the second reading of Bill C-33, a second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

**Hon. Donald H. Oliver:** Honourable senators, I am pleased to rise today to join the debate on Bill C-33, to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

This bill passed the House of Commons on February 25, 2005, and covers many different statutes. For instance, it amends the Air Travellers Security Charge Act and the First Nations Goods and Services Tax Act. It also amends many sections of the Income Tax Act.

• (1420)

Today, honourable senators, I wish to deal with only one element of one of those acts, which is an important piece of government legislation, and that is the section that deals with what is called the GAAR, the general anti-avoidance rules.

In the summary to Bill C-33, the Department of Finance says that it brought in an amendment to the GAAR to:

... ensure that the General Anti-Avoidance Rules in the *Income Tax Act* apply to transactions effected through a misuse or abuse of the *Income Tax Regulations*, a tax treaty or other federal legislation;

When the Department of Finance proposed amendments to the GAAR for the March 23, 2004 federal budget, they stated that the changes were intended by them to address the interaction between the GAAR and Canada's tax treaties. Honourable senators, there is only one issue in relation to the GAAR that I wish to briefly discuss today, and that is the doctrine of retroactivity.

The GAAR was enacted in 1998 to give the Canada Revenue Agency, the agency, a broad power to recharacterize transactions which fully respect the requirements of the Income Tax Act, but which are nonetheless considered by the agency to be avoidance transactions. It is important to note that the GAAR can only be invoked by the agency if it contends in the particular case that the specific provisions of the act have been misused, or that there has been an abuse of the act when read as a whole.

The Department of Finance, in some of their writings and when they met with me in my office, alleged that the government has maintained, since the inception of the GAAR, that it applies to Canada's tax treaties. However, many senior lawyers, chartered accountants and other practitioners and scholars have argued

since day one that the GAAR did not apply to Canada's tax treaties. Indeed, with respect to the income tax regulations, two lower court decisions have held that the GAAR did not apply to the income tax regulations.

These decisions came as a surprise to the Finance Department, in particular the fact that a court ruled in the way that it did, which was different from what they had intended, so they decided to completely change and restate the law. Is this our Canadian way, particularly when it is an attempt to do it retroactively?

Honourable senators, I had the privilege of meeting with two of the architects of this particular amendment, Mr. Leonard Farber, General Director, Legislation Tax Policy Branch, Department of Finance Canada, and Mr. Brian J. Ernewein, Director, Tax Legislation Division, Tax Policy Branch, Department of Finance Canada. When they came to meet with me, they outlined the government position in detail, which I wish to restate now.

To eliminate any doubt regarding these issues, the 2004 budget proposed legislative action to clarify the long-standing position of Canadian tax authorities that the GAAR applies to abusive tax avoidance, whether the ITA, the ITRs or Canada's tax treaties are involved. They said to me that there is general support for making this change, but some have challenged the application of the measure to past transactions. However, they state that the budget proposal reflects the view that this measure is "clarifying" in nature and, therefore, appropriately applies as of the inception of the GAAR back in 1988.

Those who challenge this action are essentially arguing that the intent of Parliament in introducing the GAAR in 1988 was to preclude tax avoidance that abused only the rules in the ITA, but not through the ITRs or the tax treaties. It is difficult to presume that this could have been the intent of Parliament.

Mr. Farber also told me that a number of the tax avoidance cases that are being challenged under the GAAR by the Canada Revenue Agency, or CRA, involve schemes such as those identified by the Auditor General in which Canadian residents utilized trusts constituted in treaty countries to shelter income and gains from Canadian taxation. The Auditor General's 2001 report identified 55 cases involving \$800 million in capital gains, they said. Since that report, the CRA has identified approximately 150 additional cases. He told me that significant tax revenues are, therefore, at stake.

They also told me that the Standing Committee on Public Accounts recommended in 1995 that the government introduce retroactive legislation in appropriate cases, and that the Department of Finance develop criteria to be followed in exercising the government's prerogative to introduce retroactive tax legislation. Honourable senators, I have not had an opportunity to check those recommendations, but it is to be hoped that the department will produce them when its officials appear before the committee.

They also said, in response to the committee's recommendation, that the department deposited with the Clerk of the Senate a response listing relevant criteria to be considered in this regard; that the amendments reflect a long-standing and well-known interpretation of the law by the CRA, reflecting a clear and well-known policy intent to prevent a windfall benefit to certain

taxpayers, and that these measures are necessary to preserve the stability of the government's revenue base and to correct ambiguous or deficient provisions that are not in accordance with the object of the act.

It is my contention that these retroactive amendments do not reflect a long-standing and well-known interpretation of the law by the CRA. Retroactivity should not be the means by which the government protects its revenue base.

Honourable senators, I wanted to set forth the government's case in detail so that I can present both sides of this issue.

There are some extremely strong arguments that differ materially from the position of the federal Finance Department. One of the first issues I wish to deal with is what in law we call the burden of proof. Who has the obligation to establish what, and what is the burden on the department which makes the laws? Clearly, the burden is to make law that is clear enough for everyone to understand. There is a well-known interpretation device that any uncertainty should be construed in favour of the taxpayer.

Contrary to what the department says, the ambiguity of the government's language has given rise to very much tax litigation. In a recent consideration of the GAAR, the Federal Court of Appeal articulated "the clear and unambiguous standard." It was the court's view that the agency can only invoke the GAAR successfully if it shows that the transaction or transactions failed to respect an obviously demonstrable tax policy. In the court's view, it is the agency which bears the burden to satisfy the clear and unambiguous standard.

The Supreme Court of Canada has yet to hear its first GAAR case. One was presented in March, but there is no decision as yet on that case. It would deal with the clear and unambiguous standard.

Next, I would like to say a few words about the doctrine of paramountcy. Canada has entered into tax treaties with more than 80 countries. Each such treaty has been incorporated into Canadian law by an act of Parliament that contains a paramountcy clause. The paramountcy clause states that the provisions of the treaty override other legislative enactments of the Parliament of Canada to the extent of conflict. In particular, by virtue of the paramountcy clause, the provisions of a tax treaty override provisions of the Income Tax Act.

By way of example, the paramountcy clause in the implementing legislation giving effect to the Canada-Czech Republic Income Tax Convention entered into in 2001 reads as follows:

In the event of any inconsistency between the provisions of the Canada-Czech Republic Income Tax Convention and the provisions of any other law, the provisions of the Canada-Czech Republic Income Tax Convention prevail to the extent of inconsistency.



By way of exception, the paramountcy clause is itself expressly overridden in a very limited number of instances by the provisions of yet another statute, namely the Income Tax —

**The Hon. The Speaker:** Senator Oliver, I am sorry to interrupt —

Debate suspended.

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** I am sorry to interrupt the Honourable Senator Oliver, but, it being 2:30 p.m., pursuant to the order adopted by the Senate on April 19, 2005, I must interrupt the proceedings for the purpose of taking the standing vote on the motion of the Honourable Senator Rompkey for the third reading of Bill S-18.

The bell to call in the senators will be sounded for 15 minutes. The vote will take place at 2:45 p.m.

Call in the senators.

• (1440)

## STATISTICS ACT

### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Losier-Cool, for the third reading of Bill S-18, to amend the Statistics Act.

Motion agreed to and bill read third time and passed on the following division:

## YEAS

### THE HONOURABLE SENATORS

Adams	Lapointe
Austin	Lavigne
Bacon	Léger
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chaput	Massicotte
Christensen	McCoy
Cook	Mercer
Corbin	Milne
Cordy	Mitchell
Cowan	Murray
Day	Nancy Ruth
Downe	Pearson
Dyck	Pépin
Eggleton	Peterson
Fairbairn	Phalen
Ferretti Barth	Pitfield
Finnerty	Poulin
Furey	Poy
Gill	Ringuette
Hervieux-Payette	Robichaud

Hubley  
Jaffer  
Joyal  
Kirby

Rompkey  
Smith  
Tardif—51

## NAYS

### THE HONOURABLE SENATORS

Angus  
Buchanan  
Cochrane  
Comeau  
Cools  
Di Nino  
Keon  
LeBreton

Lynch-Staunton  
Moore  
Nolin  
Oliver  
Plamondon  
Prud'homme  
St. Germain  
Stratton—16

## ABSTENTIONS

### THE HONOURABLE SENATORS

Nil

• (1450)

## BUDGET IMPLEMENTATION BILL, 2004, NO. 2

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Moore, for the second reading of Bill C-33, a second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

**Hon. Donald H. Oliver:** Honourable senators, broadly speaking, the Income Tax Conventions Interpretation Act, ITCIA, ensures that specific terms used in tax treaties are interpreted in light of the meaning given those terms in the Income Tax Act, ITA, from time to time rather than solely at the time the treaty was signed.

The treaty implementing legislation takes account of this exception and only this exception. The ITCIA has no application to the interpretation or application of the General Anti-Avoidance Rule, GAAR, contained in section 245 of the ITA, that is, it does not provide that GAAR can be applied to deny taxpayer treaty benefits, notwithstanding the paramountcy clause.

During the 16-year period of 1988 to 2004, there was considerable controversy as to whether and to what extent the GAAR has application in cases where a non-resident is claiming the benefit of a tax treaty. The scholarly literature dealing with this issue was reviewed in a submission made by the joint committee of the Canadian Bar Association and the Canadian Institute of Chartered Accountants, dated July 29, 2004.

I should say, honourable senators, that representatives of both the Canadian Bar Association and the Canadian Institute of Chartered Accountants would like to appear before the committee to have their views heard.

The submission that they made was prepared in response to the budgetary proposal. It shows conclusively, honourable senators, that the overwhelming view of tax experts, including some who participated in the formulation of the GAAR, is that the GAAR cannot be relied upon by the agency in challenging a non-resident taxpayer's entitlement to claim the benefit of a tax treaty, if the non-resident otherwise satisfies the prerequisites to such a claim.

The agency has taken the contrary position. No mention of this position is made, however, in the GAAR Information Circular, IC, 88-2 and supplement issued by the agency which, to me, would be the logical place for the agency to officially state its position on this important matter.

To date, one decision of the Tax Court of Canada has addressed the issue of the GAAR and tax treaties. The judgment, nine years after the GAAR, contained some statements favourable to the agency's position, but they constitute what lawyers call *obiter dicta*.

In 2004, two cases set down for hearing by the Tax Court of Canada would have addressed this controversy. At the last minute, in both cases, the agency decided not to proceed to trial and settled the matters out of court. In one case, at the pre-trial hearing, Judge Michael Bonner of the Tax Court expressed great scepticism at the agency's claim that the GAAR could be used to deprive a resident of Malta of the benefit of the Canada-Malta Income Tax Agreement. I asked the department why they settled, and I was not informed.

The budgetary proposals are intended to settle this controversy, and draft legislation to amend the GAAR was released by the Department of Finance on September 16, 2004. Both the budgetary measures and the draft legislation propose that the changes in question be retroactive to 1988. Both the budgetary measures and the draft legislation describe the changes in question as intended to "clarify" the application of the GAAR.

Honourable senators, there is strong opinion to suggest that this description of clarifying is both inaccurate and misleading. The changes are intended to address a genuine controversy as to the application of the GAAR to tax treaties, and have the effect of removing from taxpayers presently under assessment or proposed assessment the right to argue the negative position. Retroactive amendment to the GAAR will foreclose this argument. Consequently, these changes to the GAAR are highly destructive of taxpayers' rights, and ignore principles of both fairness and the rule of law.

Honourable senators will know that when the Canada Revenue Agency wants to clarify one of its positions they do it by what are known as information circulars, ICs. There has never been an information circular on this particular GAAR issue.

For purposes of clarity, let me restate my main concern of the retroactivity. During the 17-year period between 1988 and 2005, there has been considerable controversy as to whether the GAAR has application in cases where a taxpayer is claiming the benefit of a tax treaty. Most tax experts, including experts who participate in the GAAR formulation, have concluded that the GAAR cannot be relied upon to deny a taxpayer the benefit of a tax

treaty. The agency's position on this issue has never been clear. The issue was not discussed in the information circular of the GAAR, IC 88-2 and supplement, published by the agency in 1988 and 1990.

Of more significance, honourable senators, is the following: The Department of Finance is concerned that it may have failed through inaction to address this controversy on a timely basis and it is now attempting to remedy that omission retroactively to 1998, to the detriment of Canadian taxpayers. There may be one remedy, and that is to make it retroactive to the date of the budget, namely, 2004.

Whether the GAAR previously applied to a treaty context is really a matter for the courts.

In conclusion, honourable senators, as a provision of practically universal application, the GAAR already represents a significant encroachment on taxpayers' need for certainty in planning their affairs. Retroactively expanding the GAAR's application 17 years to the date of its enactment, as the Department of Finance proposes, would be an unprecedented exercise of legislative power that threatens to overrule current GAAR jurisprudence and undermine the principles of Canadian tax law.

Honourable senators, there are a number of witnesses who would like to be heard. I am not a tax expert. I hope that when this matter gets to the committee, the committee members will have an opportunity to hear from experts for answers to some of the questions I have raised.

**Hon. Serge Joyal:** Honourable senators, I will follow in the steps of Senator Oliver by stating outright that I am not a lawyer who specializes in tax legislation or fiscal issues. Those are very complex matters, and are a privileged domain of very learned and sophisticated minds. I have no pretension to that level.

However, I will try to explain how I understand the provisions of the bill under consideration. Retroactivity, by its very nature, is inimical to justice and equity. We understand that in criminal justice. What is legal today cannot, by an act of Parliament, be made illegal tomorrow such that you can be charged for what you did legally yesterday in good faith and in full respect of the law. I think that is understood clearly. That is a principle at the root of common law. It has been applied in both criminal and civil law. It appeals to one's sense of equity and justice.

I am not usually involved in discussions of tax issues in this house, although I try to keep abreast of these matters. Frankly, when the Canadian Bar Association and the Canadian Institute of Chartered Accountants make a compelling case that we should exercise our "sober second thought" on a measure that we are asked to study and act upon, I think we must pause and reflect.

• (1500)

The problem with this legislation is that it widens the scope of GAAR or the anti-avoidance rules. As I understand it, it would add to the present coverage of GAAR not only the Income Tax Act but also the income tax regulations, the income tax application rules, and any bilateral tax treaty. It widens the



scope. It is not as if we would be legislating retroactively for only one act. We are being requested to legislate retroactively on a wide range of other legal documents or legal obligations that were not contemplated in the original proposal.

We are not being asked here to clarify; we are being asked to widen, and to widen retroactively. It seems to me that we need to pause when we are requested to do that. There might be good reasons, and there is, as I can see in the legislation and administrative rules of the Department of Finance, a context in which this is possible. There is no doubt about that. I have read through some financial administrative rules, and there is a possibility of doing that. However, when it is done, it is always done, or most of the time, in favour of the taxpayer, not in order to retroactively add to the public purse, in this case from 17 years ago, by widening the scope of the original legislation.

The other troubling thing with regard to this measure is that we have been told, "Do not worry, this is just a housekeeping matter. Legislation, especially tax legislation, is very complex, and we want to make more precise for the taxpayer the scope of his or her obligation. We are just helping the taxpayer."

Honourable senators, this is not a new problem. The Department of Finance and Revenue Canada have known of this problem since 1988. I have reviewed the list of all the comments or articles that were written by fiscal and legal experts since 1988 on this very issue of the interpretation of the anti-avoidance rules. There are 18 of them. They have been published more or less each year. It is not a new problem that suddenly they have discovered in their books and they are trying to correct it. If the Department of Finance has been passive with the problem for 18 years, they cannot plead ignorance of the problem.

The problem was well-identified in an article by Lindsay entitled "The General Anti-Avoidance Rule: Points to Consider," published in the 1988 Toronto conference report of the Canadian Tax Foundation. It was raised again by Arnold and Wilson in an article entitled "The General Anti-Avoidance Rule — Part 3," in the Canadian Tax Journal, 1988. It was raised again by Tremblay in an article entitled "Permanent Establishments in Canada," published again by the Canada Tax Foundation in 1989, and so on in 1993, 1994, 1996, 1997, 1998, 1999, and 2001 to 2004. Repeatedly, the professional community interested in those issues has raised a concern and has commented on this matter. In other words, this is not a new problem. It is an old problem.

What are we requested to do? We are requested to settle cases that are already in court, putting an end to a court case by depriving the persons who are already in court of their right to appeal. We are depriving them of the right to appeal. This is very serious, honourable senators. They have a constitutional right under the Canadian Charter of Rights. When we deprive somebody from continuing his or her case in court, a case that is already pending, it is a serious issue and a serious precedent.

We are trying to put an end to what I would call the normal procedure that a taxpayer pursues to get a fair decision on his responsibility to pay and, of course, on the responsibility of the state to raise the money needed to pay for public expenses. We

must balance those interests. We are requested, when we adopt tax legislation, to be fair to everybody. We do not want the treasury to be abused or circumvented or to be passed over, but we also want to be fair to the taxpayer. Most Canadians pay taxes, if not all, in indirect taxes and direct taxes and sales taxes and income tax, and everything else that exists in those thick books of fiscal legislation, be it at the provincial, municipal or federal level.

Honourable senators, we must pause and reflect on the principles at stake. Again, I have no intention of putting to you all the implications of what we are requested to do today. There are many, and I cannot cover them in the few minutes I am allocated to address you. However, I sincerely plead that the Standing Senate Committee on National Finance, normally so well-gifted in terms of representation by members of this honourable house, invite witnesses and experts in this regard. It is an important issue and deals with fundamental principles of our tax system. As much as I understand the overall implication and want to prevent abuse and misuse of the fiscal system, we must be fair, on the whole, when we make corrections or clarifications. We cannot make corrections or clarifications under the guise of trying to be fair for everyone when, in fact, we are adding to the responsibilities of the taxpayer, and especially doing that retroactively and depriving them of their right to continue to fight for a case in a higher court. This is a pretty serious matter.

I would hope that the committee will hear from the experts. I have mentioned some of them earlier on. They are the representatives of the bar. I would like to mention the name of the chair of the National Taxation Section of the Canadian Bar Association, Mr. Brian Carr, or his representative, or the members of his committee, and of course the chair of the taxation committee of the Canadian Institute of Chartered Accountants, Paul Hickey. I would like them to listen to representatives of consumers.

• (1510)

These are complex issues, honourable senators, and we have to put ourselves in the shoes of the taxpayers. If we want the taxpayers to honour their obligation to spontaneously declare their revenue, they have to trust that the system is fair and balanced. This trust is fundamental in maintaining the kind of tax system we have today. Taxpayers do not receive a statement compelling them to pay; they come forward to pay. That is a very important initiative in a free and democratic society because it is based on the confidence that the system will operate justly and equally.

Again, I plead with all members, on both sides of the house, who will sit on the committee that is to study this legislation that to pay deep attention to those principles beyond the complexities of the system because they are the foundation of tax law in Canada. If our system has worked that well up to now, it is because the system was very keen on maintaining those principles in the improvement of the legislation that we are requested to approve today.

**Hon. Anne C. Cools:** Honourable senators, I wish to thank Senator Joyal for his intervention.

I preface my question by saying that I see present in the chamber today both the deputy chairman and the chairman of the Finance Committee. Perhaps they should give an undertaking that this serious matter and the serious questions that Senator Joyal has raised be given the proper study and consideration that they deserve.

Senator Joyal raised two large, complex and important issues. One is the phenomenon of retroactivity, which is an ancient principle that goes back in time. It states that no ruler, no government should try to rule retroactively by going back to extinguish the rights, obligations and privileges of citizens. There is wide authority for that principle.

In addition, the honourable senator raised another equally important and complex issue, but not necessarily related. I am referring to the fact that this legislation seems to be ousting the jurisdiction of the courts while simultaneously extinguishing the rights of citizens.

**The Hon. the Speaker:** Honourable senators, Senator Joyal's time has expired. Does he wish leave to continue?

**Senator Joyal:** I know that other senators wish to speak, such as the Leader of the Government. I would like him to speak. I would like to listen to him carefully.

If the senator can ask her question, I will try to answer it.

**Senator Cools:** How are these two separate questions linked in the bill? They are two essentially repugnant characteristics. I am not well acquainted with the bill but am now very interested in it, so I will start doing some work on it.

Perhaps I should wait and ask Senator Austin to show us how those two principles or two aspects are linked, since it is better coming from a government member.

**Senator Joyal:** I will certainly defer for the presentation of Senator Austin, who probably has a more competent mind in terms of fiscal legislation than do I.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I want to thank Senator Oliver and Senator Joyal for their contributions to the debate on Bill C-33 at second reading. They have raised issues that clearly need examination in the Standing Senate Committee on National Finance. I understood from corridor conversation that there seemed to be an impression that the government wanted the bill reported back tonight. That just is not the case. The government would like the bill to go to committee today. The Minister of Finance is available and wants to address the question of anti-avoidance and whether it is retroactive or not retroactive. I hope the opportunity will be given to the Minister of Finance to do so tonight because, as honourable senators know, we will not be in session next week. It would be valuable if the Minister of Finance were questioned and senators then took away his answers and gave them proper consideration.

I want to make it doubly clear that there are other witnesses, such as those from the Canadian Bar Association and the Institute of Chartered Accountants, who have no personal,

professional or business interest in this issue. They are experts and should be heard. The proper place for that to happen is in the committee. We can debate here, but unless we are given the facts and the arguments by those who are concerned professionally and those who are government officials and ministers, nothing will advance.

I would ask for the agreement of honourable senators to pass Bill C-33 at second reading now and then refer it to the Standing Senate Committee on National Finance so that the committee can undertake proper consideration of the bill.

Of course, the government would like to have the bill expeditiously. This is a budget bill from 2004 and we have a budget bill from 2005 coming to us some time soon. I cannot give honourable senators the exact day we will receive it. It is in the hands of the other place.

My understanding from the debate so far is that the principal concern is the issue of anti-avoidance: Is it retroactive and is there evidence one way or the other? To some extent it is a question of fact and to some extent it is a question of law. We will see where it goes in the committee.

Honourable senators, I would very much appreciate your consideration for sending the bill to committee today.

**Senator Cools:** Senator Austin, the agreement of the Senate will be sought momentarily when the question is put.

To come back to the substance of the issue, I would like if the honourable senator could clarify for the record the issue that I have raised, which is the phenomenon of retroactivity. Retroactivity has always been viewed in a parliamentary way as repugnant to Parliament on the grounds that Her Majesty's government cannot simply go around impugning the previous government by attempting to reach back in time to either erase or to alter existing rights. It is a very famous and very well known principle of parliamentary law.

Senator Joyal placed that principle on the record for us today in most eloquent terms, and I would ask the honourable leader to expand on it. Perhaps the government sponsor of the bill did so when he spoke a couple of days ago.

I would also ask the leader to explain the linkages of this retroactive section back to 1988, which is quite profound according to Senator Oliver, and the linkage of that to another equally repugnant phenomenon, which is the process of ousting the jurisdiction of the courts and the rights of the citizen to petition the courts for redress on what the citizen thinks to be a wrong or a grievance.

I know my honourable friend can say that the bill will be studied in committee, but it seems to me that we should work hard to establish, maintain and defend the fact that when issues and questions are raised on the floor of the chamber, they should be answered on the floor of the chamber. I believe that is what the ancient expression "for the record" used to be about.



• (1520)

Could you explain that dual aspect? Both aspects are, to my mind, undesirable, but how they are linked in this bill? This is an important question that has been raised by the honourable senators. The record should have some clarification.

**Senator Austin:** Honourable senators, as to the first part of the honourable senator's question, the authority of Parliament to pass legislation is undoubted. If Parliament passes legislation that is expressly retroactive, then there is no bar to Parliament doing so. The question is one of public policy, and that is something that is debated in the circumstances.

However, I am not suggesting that that is what the concern is here with respect to Bill C-33. With respect to Bill C-33, and in particular the anti-avoidance section, it is a question of our looking at the evidence, the facts, and the way in which the Revenue Canada tax office has dealt with the issue, to see whether, indeed, notice was given from 1988 forward in a way that was communicated to the public. The "public" I am referring to here is, in particular, the professional public who deal with tax rules. If there is no evidence, then the committee might come to a conclusion that there is an implied or express retroactivity here.

I thank the honourable senator for the question, but as I said in my contribution a few moments ago, this is a question that is most appropriately put before the committee that can hear the presentations on this subject, and on any other subject that the committee wants to hear, and then come to its conclusions with respect to the situation.

Honourable senators, I would again say that the best forum for consideration of the substantive issues here is the committee itself.

**Senator Cools:** I thank the honourable leader for that response. Perhaps I am wrong, and if so the leader could correct me. I heard the leader say that the work of this committee is so important that he, as Leader of the Government, is prepared to support the committee in doing a full study and having a full airing on the matter and to hear the witnesses who are so critical, and so wanting and willing to come forward. I understood the leader to say that he wants the bill to get to the committee today, but that he also wants the committee to give the issue and the bill the kind and quality of study that it so richly deserves.

**Senator Austin:** Honourable senators, I am not looking for days and weeks of hearings. What I did say is that the committee should hear from professional associations such as the Canadian Bar Association and the Institute of Chartered Accountants. If the committee comes to the conclusion that there exists some other non-interested professional advice with respect to this issue and that they wish to hear it, they will have no objection from me.

**Hon. Gerald J. Comeau:** My question is to the minister. I was listening while he was explaining how, this chamber can, in fact, vote retroactively, or vote to retroactively change the legislation — and I can understand where that is coming from. However, I am following up on the Honourable Senator Cools comment that this is a rather repugnant thing, and although I did

not hear the Leader of the Government referring to it as repugnant, I consider it repugnant any time we go back in time and change the rules of the game.

What we have before us right at the moment is the voting in principle. In other words, we are saying to the committee that we agree in principle to the concept of retroactivity in the case of this anti-avoidance measure that is being proposed by the government.

I will not get into the question of the anti-avoidance measure. That is left up to the committee. What we are being asked to do as a chamber is to say that we agree, in principle, that we should act retroactively in this case. That is the part that I find repugnant. I equate it to Monday morning quarterbacks deciding to change the rules, and being given the authority to change the rules of the game that was played on the previous Saturday, and that we have to wait for the Monday morning quarterbacks to tell us what the rules were of the game that has already been played. Fairly soon we would not have anyone watching the game, because it would not make sense any more if the rules were changed at whim by this chamber and the other chamber.

As parliamentarians, we must be very careful when we attempt to reach back in time and start changing rules after the fact. We did that this afternoon with respect to Bill S-18 when we decided to retroactively break a promise made to Canadians some years ago. I think that was the case you made in support of Bill S-18. Now we are dealing with the question of retroactive rules to income tax provisions. Senator Joyal made the point very well earlier on that there is a question of trust here. How long can we expect Canadians to trust us as parliamentarians to enact legislation if we start changing the rules after the fact? We must be mindful of that. Over time, if we do resort to this extremely repugnant way of enacting laws, we will pay the price in the long run as parliamentarians and as a government.

**Senator Austin:** I take that as a question and I will answer it this way.

A conclusion as to the issue can only begin with a consideration of the issues and arguments that are best presented in the committee. Debate here will not resolve the issues that have been raised by the honourable senators. Jumping to conclusions is not warranted on any bill.

Senator Comeau, as an experienced legislator, you know that approval in principle relates to many issues in this bill, and that committees have the power to propose amendments. Also, should they so wish, committees are not caught by any rule that says that approval in principle means that nothing can be changed. As the honourable senator knows very well, it is just the contrary. It is parliamentary practice to say, "Go ahead with the principles of this bill, but now let us look at what is really being asked of a legislature in terms of the specific application of those principles."

There is no bar to the committee taking the action it deems appropriate.

**Hon. Lowell Murray:** Honourable senators, I do have some comments about this bill. I can make them today or I can make them tomorrow. What I will not do is agree to have the bill referred and then dealt with in the committee three hours later. That is an extraordinary request. That the honourable minister

suggests that we give second reading to the bill and refer it to committee today is one issue. If the Senate wants to do that, of course the Senate will do it and I would not stand in the way. What I will stand in the way of is giving leave for the committee to begin its deliberations on this bill tonight. That is not right. That is a practice that we would reserve for the most urgent and extraordinary situations, of which this is not one.

I point out to the minister and to the Senate that we have proceeded at a fairly leisurely pace with this bill. It arrived here — I do not have the date, and some considerable time elapsed before the second reading debate was begun. There is not that kind of urgency.

I am prepared to speak now if the house wishes to hear me further, or I can speak tomorrow. I give notice that I will not agree to waive the rule so that the committee can begin considering this bill tonight. Whether or not the Senate sits next week, and that seems to be one of the factors in the equation, the committee can sit and have even more time next week to hear the Department of Finance and others from outside the government who wish to be heard.

• (1530)

**Senator Austin:** Honourable senators, I do not have an issue with Senator Murray, but I did say that the Minister of Finance is available tonight to address the principal concern of the chair of the committee, Senator Oliver, as well as Senator Joyal and perhaps other senators. I do not know when the Minister of Finance will be available again. Therefore, I have no concern. I would like the bill to go to committee tonight. I would like the Minister of Finance to be heard. As I said earlier in discussion, then the committee can decide how it wishes to order its business.

**The Hon. the Speaker:** Before I lose the opportunity to do so, I draw the attention of honourable senators to the presence in the gallery of our former colleague the Honourable Bill Kelly. Welcome back.

**Senator Murray:** Honourable senators, it would be impossible to improve upon the recital of facts that Senator Oliver gave us in opening the debate for the official opposition, or indeed to improve on the principled intervention of Senator Joyal, so I shall not try. There is some background I would like to place before the Senate and then I will ask senators to reflect on a couple of matters.

Almost exactly two years ago, in the spring of 2003, a budget implementation bill came before us pursuant to the budget of that year. That budget implementation bill, too, contained a retroactive provision.

In that instance, a group of taxpayers — school boards, mostly from Quebec, as I recall it — had gone to court to seek reimbursement of GST that they had paid for the transport of pupils. I think the transport had been contracted out and that was the issue. A second group of taxpayers that intended to go to court came to an agreement with the Crown to what they call a “consent to judgment,” that the second group would be governed and abide by the court decision with regard to the first group.

The court decided in favour of the first group of taxpayers, the school boards, whereupon the Department of Finance, in what I think was a shocking display of bad faith, walked away from the agreement and brought in retroactive legislation to ensure that the second group of taxpayers, who were in an identical position as the first, would not be given the reimbursement.

We debated that matter in the Senate. At the Standing Senate Committee on National Finance, we had people such as Roger Tassé, a former Deputy Minister of Justice, and Marc Lalonde, a former Minister of Finance and of Justice. I acknowledge right away that in both cases they were acting professionally and acting for clients, but these two people would not have put their reputations on the line and said the things that they had to say about the offence against the rule of law unless they had really believed it. We had Simon Potter, the President of the Canadian Bar Association, and other witnesses coming before us to protest against what was being done.

One of the expert witnesses cited another example that had taken place two years previously. What he said about retroactive legislation was that we are trivializing the procedure.

Our old friends Senator Beaudoin and Senator Bolduc weighed in on the question. Senator Moore, I must say, spoke at the time against the retroactive legislation, but it went through.

One of the things that I think we must fear in these cases is that when a precedent of this kind is established, the department and the government are quick to come back a second and a third time on the basis of the first precedent. This is what is happening here.

The Leader of the Government in the Senate indicates that the question is open as to whether this proposed legislation is retroactive. The bill states:

The definition “tax treaty” in subsection 248(1) of the Act is deemed, for the purpose of section 245 of the Act, to have come into force on September 13, 1988.

What is that but retroactivity? A bit further on, the bill states:

Subsections (1) to (3) apply with respect to transactions entered into after September 12, 1988.

On the face of it, that can be nothing but retroactive legislation.

I think Senator Oliver and Senator Joyal told us, but I will repeat it, that two court cases have found that the GAAR does not apply in respect of regulations under the Income Tax Act. That point might and does surprise this layman, but those are the decisions of the court. If the GAAR does not apply to regulations under the Income Tax Act, how much less might it apply to tax treaties that explicitly are paramount to the Income Tax Act?

Honourable senators, I take the strongest objection to the government trying to correct something that they think they should have done in 1988.



We can hear the principled testimony — if he has any — of the Minister of Finance and the officials and from others. I thank the sponsor of the bill for having arranged some private briefings. I think the official opposition, some interested members, had a private briefing with officers of the Department of Finance; so did some interested supporters of the government and some interested independent senators, including myself.

I would like honourable senators to reflect for a few moments on this point and on the following. Senator Joyal made a rather intriguing reference to the Charter of Rights and Freedoms. I must say that this layman wondered, reading and hearing about this provision in the bill, whether there is not a Charter issue here and whether there is not an issue relating to the supremacy of the rule of law in this country.

I am incredulous at how a provision such as this could get out of the cabinet process in the first place.

**Senator Cools:** Yes.

**Senator Murray:** There is in our system, as honourable senators know, due process. There are checks and balances in the cabinet system when legislative initiatives come forward, and there is a role for the Privy Council Office and for the Treasury Board and various other central agencies. One of the most important checks and balances is the Department of Justice. These people have a statutory, indeed a constitutional obligation upon them to look at matters and initiatives in the context of the Charter and actually in the context of the Diefenbaker Bill of Rights.

I cannot believe that people in the Department of Justice, indeed their minister, if they are being true to the criteria of their profession, would not raise an objection when they see a provision like this coming up in draft legislation. I cannot believe that they would not say, "Whoa, retroactive to 17 years?" This is not the way we do business in a country that respects the rule of law.

We will never know what happened in the cabinet process, what objection if any was taken. I would hate to think that no objection was taken. I come to the conclusion that the objection was simply overrun. I come to the conclusion that the Department of Finance is out of control. That is the conclusion I come to on matters like this.

The bill gets out of the cabinet process and goes to the House of Commons. That is the next opportunity to do something about it. The bill then goes to committee. I have the transcript, but I will not weary senators with it, as you can look it up.

• (1540)

Mr. Monte Solberg, Official Opposition Finance Critic, raised the matter with officials. He read the provisions, recognized that it was retroactive and asked a couple of questions. He heard from officials that it is simply a clarification. However, it is not just a clarification, even on the face of it. If Mr. Solberg had had an opportunity or had wished to pursue it further, that might have been established. In any event, no one else took it up at committee or in the House of Commons. The bill sailed through the other place and now it is before the Senate. This is the last chance to prevent a serious abuse of power from happening. If the Senate

was not meant to act in circumstances of this kind, then I do not know what the Senate was meant to do.

**Some Hon. Senators:** Hear, hear!

**Senator Austin:** Honourable senators, Senator Murray asks what officials of the Department of Justice have to say and what the Minister of Finance and his officials have to say. Senator Murray, who is a member of the Senate Finance Committee, has made a speech that would be fascinating at third reading of the bill. However, it is somewhat surprising to hear that his mind is so firmly made up at second reading, when he has not heard evidence on the bill in committee.

Honourable senators, it is a part of tax practices that interpretation bulletins be provided by the department as instructions for departmental interpretation of certain tax provisions. The question is: What notice was given by the Department of National Revenue to taxpayers with respect to this anti-avoidance provision?

I have said that these matters are to be discussed properly at committee where senators are able to hear evidence presented by informed people on the subject-matter to assist them in their consideration of the bill. I ask Senator Murray whether he is prepared to see this matter referred to committee, in order to hear the Minister of Finance provide the government's point of view, or at least his point of view as Minister of Finance, tonight?

**Senator Murray:** Honourable senators, there is not an urgency attached to this bill that would justify me, or anyone else, agreeing to second reading now so that the bill can be referred to committee tonight. There is not that kind of urgency. Arrangements can be made with the minister and with the committee. The committee has been extremely accommodating under Senator Oliver's chairmanship in the scheduling of government witnesses. I have no objection to referring this bill to committee, if that is what the Senate wishes to do. I have said my piece at second reading and I am not prepared to give leave to have the committee meet a couple of hours from now in order to begin its deliberations. That is not the right way, and there is not that kind of urgency.

**Senator Cools:** Honourable senators, this situation is becoming more bewildering by the minute. My understanding was that Senator Austin had wanted the question put today, and that the vote taken would be on the matter of referring the bill to committee. Senator Austin is proceeding in a unique way by asking that the bill be referred to the Finance Committee tonight in order to hear testimony by the minister. Honourable senators, that proposition cannot be proposed to the chamber within the mechanism that Senator Austin is attempting to use. Senator Austin would have to make an additional motion — an instruction to committee, I believe — that the committee be authorized to sit tonight to hear the Minister of Finance. The house is proceeding in a strange and improper way.

I find the propositions in the bill extremely dubious and highly questionable. I am prepared to let the bill be referred to committee so that it might undergo a thorough and proper hearing. However, I do not understand either the condition being placed on this referral, or the procedural way in which it is

being done. Honourable senators, motions and agreements in this place are not made as the result of a casual request of the Leader of the Government in the Senate. Am I misunderstanding something here? Is it the intention of the Leader of the Government to move an additional motion that the committee hear the minister tonight? If that is his intention, he should say it clearly so that the house truly understands the proposition before it.

**Senator Austin:** Honourable senators, I have no intention of moving a motion that the committee sit tonight. It is normal in this chamber for procedural comity to be referred to. I never intended such a motion, Senator Cools, because the committee is its own master of procedure.

**Senator Cools:** Perhaps that decision should be left to the committee.

**Senator Austin:** That is absolutely right.

**Senator Cools:** At the same time, since the honourable senator is asking senators to allow the question to be put today and to take a vote on it, perhaps he should give an undertaking to this chamber that he would not try to exert influence over others on his side. One cannot ask Parliament to do something without being clear. The chamber must always know the proposition on which it is voting. I thought the honourable senator made the request in good faith that the bill be referred to committee today. Perhaps it should have remained without conditions. Many senators want to speak to this bill but might be prepared to wait until another time. They do not want to be pre-empted by the minister speaking to the bill before committee tonight. It takes a few hours to prepare for a good meeting with a minister. It is my understanding that ministers are usually willing to appear and are accommodating of schedules when the bills are theirs.

There is a fair agreement to refer the bill to committee, but I am not sure that there is agreement to have the minister appear before the committee tonight.

**Senator Lynch-Staunton:** Let the committee decide.

**Senator Cools:** We know what "let the committee decide" means in this case. I merely want to clarify that. It may seem like a small point to many but it is important. Could the honourable senator clarify that?

**Some Hon. Senators:** Question!

• (1550)

**The Hon. the Speaker:** To clarify, Senator Cools was speaking to the bill. I see that Senator Austin is rising.

**Senator Austin:** Honourable senators, if the committee wishes to meet tonight, it will meet; if it does not wish to meet tonight, it will not meet. It is the business of the committee to decide whether it will meet tonight.

#### POINT OF ORDER

**Hon. Lowell Murray:** Honourable senators, I rise on a point of order. The committee is meeting anyway for clause-by-clause consideration of Bill C-30. The rule requires, however, that when a bill is referred to a committee, 24 hours must elapse before it can be taken up.

**Hon. John Lynch-Staunton:** What rule is that?

**Senator Murray:** We have such a rule, do we not? Do you mean to tell me that without leave —

**Hon. Anne C. Cools:** There is a practice.

**Senator Lynch-Staunton:** Bills have gone within half an hour to committee.

**Senator Murray:** Bills have gone within half an hour to committee by leave.

**Senator Lynch-Staunton:** No.

**Senator Murray:** I stand to be corrected. If you think you can send this bill to committee and start consideration on it tonight, go ahead. However, if it takes leave, I will not grant leave.

**Senator Lynch-Staunton:** There is no such rule.

**The Hon. the Speaker:** This is Senator Cools' time. Senator Cools was rising.

**Senator Cools:** I have the option to raise my concern about hearing the minister tonight as a point of order, but I was trying to be cooperative. Senators know how cooperative I am. This is a very important question. Those of us in this house who are prepared to let the bill go to committee should know with clarity that the committee will not rush to hear the minister tonight because we would like some time to prepare properly for the minister.

I see both the chairman and the deputy chairman of the committee here. Perhaps the two of them could give an undertaking that tonight the committee will move ahead with the business already scheduled and leave the Minister of Finance for another day to give many of us the time to prepare adequately and properly to hear from a minister of Her Majesty.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** We are rambling all over the place.

**Senator Cools:** We are not rambling.

**Senator Stratton:** The committee has decided that they are meeting tonight, and they have also decided to meet with the Minister of Finance. What are we talking about? They have already made that decision.

**Senator Cools:** How can the committee have already decided to meet the Minister of Finance on this bill when the bill has not been committed to it? In other words, the committee does not have cognizance of the bill. Perhaps the chairman or someone should explain that concept, because committees should not function that way.

**Some Hon. Senators:** Question!



**Senator Murray:** Honourable senators, on the point of order, this is the first information I have received to the effect that the committee has already decided to meet to hear the Minister of Finance. That is what the Deputy Leader of the Opposition has told us.

The committee normally meets on Tuesday mornings and Wednesday evenings. I and all members of the committee have received a notice for a committee meeting tonight with an agenda. The agenda item is to proceed to clause-by-clause consideration of Bill C-30. There is nothing on that agenda about hearing the Minister of Finance to open the committee stage hearing on Bill C-33, obviously, since we have not yet given it second reading. I believe it would be highly irregular to add Bill C-33 to the agenda a couple of hours before the committee meets, although I stand to be corrected.

**Senator Cools:** Perhaps we could get some insight into how the committee took that decision. I am a member of the committee and, as far as I am concerned, this matter was not put before the committee.

**Senator Bacon:** Ask the chair.

**Senator Cools:** The chair and deputy chair are being silent.

**The Hon. the Speaker:** We have a point of order from Senator Murray to which I am prepared to respond. Do others wish to comment on Senator Murray's point of order?

The rules of this place are well established in terms of the relationship of the Senate to its committees. The committees are the masters of their own proceedings. Short of an order from the Senate directing the committee, the committee decides on the conduct of its business. In terms of the discussion I have heard, but in particular of Senator Murray's concern, that is the answer to that question.

I do not know how helpful it is, but I have a quotation from Beauchesne's *Parliamentary Rules & Forms*, 6th Edition, page 222, paragraph 760(3):

The Speaker has ruled on many occasions that it is not competent for the Speaker to exercise procedural control over committees. Committees are and must remain masters of their own procedure.

One can ignore the reference to the Speaker, but I believe that the words "Committees are and must remain masters of their own procedure" answers the point of order.

Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** No senator rising to speak, accordingly I will put the question.

It was moved by the Honourable Senator Day, seconded by the Honourable Senator Moore, that Bill C-33 be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Senator Cools:** On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

**Hon. Joseph A. Day:** Honourable senators, I move that this bill be referred to the Standing Senate Committee on National Finance.

**The Hon. the Speaker:** Is it your pleasure, honourable senators to adopt the motion?

**Some Hon. Senators:** Agreed.

**Hon. Anne C. Cools:** On division.

On motion of Senator Day, bill referred to the Standing Senate Committee on National Finance, on division.

## BUSINESS OF THE SENATE

**Hon. Lowell Murray:** Honourable senators, on a point of order, having received a notice of a committee meeting tonight to deal with a specific matter, namely, clause-by-clause consideration of Bill C-30, can the chairman tell us, a couple of hours before the committee meets, whether Bill C-33 is now being added to the agenda? If so, why?

**The Hon. the Speaker:** To clarify, I do not take that intervention as a point of order but rather as a request for information, which is something we do from time to time.

**Hon. Jack Austin (Leader of the Government):** I was about to object to this concern being raised as a point of order. His Honour has just ruled that the business of the committee is the business of the committee, not the business of this chamber, so this intervention cannot be a point of order. A point of information is up to the chair of the committee to consider.

**The Hon. the Speaker:** If the chair wishes to comment, this would be the opportunity to do so.

**Hon. Donald H. Oliver:** Honourable senators, my leadership has spoken on this issue already. Senator Stratton can inform the chamber.

**The Hon. the Speaker:** That is correct; I did hear that comment.

As we do not have much time, perhaps I should see the clock.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, perhaps we could deal with Motion No. 1 before we adjourn.

**The Hon. the Speaker:** Is it agreed, honourable senators, that we proceed to Motion No. 1 before we see the clock?

**Hon. Senators:** Agreed.

CERTAIN STANDING COMMITTEES AUTHORIZED TO  
MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government),**  
pursuant to notice of April 19, 2005, moved:

That pursuant to rule 95(3), for the remainder of this session, the Standing Senate Committees on Human Rights, Official Languages, and National Security and Defence be authorized to meet on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit, even though the Senate may then be adjourned for a period exceeding a week.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

**The Hon. the Speaker:** Honourable senators, it being four o'clock, pursuant to the order adopted on November 2, 2004, I declare the Senate adjourned.

The Senate adjourned until Thursday, April 21, 2005, at 1:30 p.m.



# CONTENTS

Wednesday, April 20, 2005

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Transport</b>	
<b>Report of l'Autorité des marchés financiers</b>		Report of Federal Advisory Committee on Marine Atlantic Ferry Service.	1085
Hon. Madeleine Plamondon . . . . .	1079	Hon. Ethel Cochrane . . . . .	1085
<b>Criminal Code</b>		Hon. Jack Austin . . . . .	1085
Withdrawal of Section 43—Protection of Children.		<b>Prime Minister</b>	
Hon. Céline Hervieux-Payette . . . . .	1079	Sponsorship Program—Involvement in Awarding of Contracts.	
<b>Ms. Virginia Redhead</b>		Hon. Gerry St. Germain . . . . .	1085
Hon. Terry Stratton . . . . .	1080	Hon. Jack Austin . . . . .	1085
<b>Masiliit and Torngat Fish Producers Cooperative Society</b>		<b>Health</b>	
<b>Fishing Agreement</b>		Compensation to Hepatitis C Victims.	
Hon. Bill Rompkey . . . . .	1080	Hon. Wilbert J. Keon . . . . .	1085
<b>Foreign Affairs</b>		Hon. Jack Austin . . . . .	1086
China—Right to Protest.			
Hon. Consiglio Di Nino . . . . .	1080	<b>Ms. Jill Anne Joseph</b>	
<b>Masiliit and Torngat Fish Producers Cooperative Society</b>		Clerk at the Table.	
<b>Fishing Agreement</b>		The Hon. the Speaker . . . . .	1086
Hon. Willie Adams . . . . .	1081		
<b>ROUTINE PROCEEDINGS</b>		<b>ORDERS OF THE DAY</b>	
<b>Banking, Trade and Commerce</b>		<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
Budget—Report of Committee on Study of Consumer Issues		Second Reading—Debate Suspended.	
Arising in Financial Services Sector Presented.		Hon. Donald H. Oliver . . . . .	1086
Hon. Jeremiah S. Grafstein . . . . .	1081	<b>Business of the Senate</b>	
Budget and Authorization to Engage Services—		The Hon. the Speaker . . . . .	1088
Report of Committee on Study of Issues Dealing with		<b>Statistics Act (Bill S-18)</b>	
Demographic Change Presented.		Bill to Amend—Third Reading . . . . .	1088
Hon. Jeremiah S. Grafstein . . . . .	1082	<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
Budget and Authorization to Travel—Report of Committee		Second Reading.	
on Study of Domestic and International Financial		Hon. Donald H. Oliver . . . . .	1088
System Presented.		Hon. Serge Joyal . . . . .	1089
Hon. Jeremiah S. Grafstein . . . . .	1082	Hon. Anne C. Cools . . . . .	1090
Budget and Authorization to Engage Services—		Hon. Jack Austin . . . . .	1091
Report of Committee on Study of Issues Dealing with Rate		Hon. Gerald J. Comeau . . . . .	1092
of Productivity Presented.		Hon. Lowell Murray . . . . .	1092
Hon. Jeremiah S. Grafstein . . . . .	1083	Point of Order.	
<b>L'Assemblée parlementaire de la francophonie</b>		Hon. Lowell Murray . . . . .	1095
Meeting of Political Committee, March 3-6, 2005—Report Tabled.		Hon. John Lynch-Staunton . . . . .	1095
Hon. Rose-Marie Losier-Cool . . . . .	1083	Hon. Anne C. Cools . . . . .	1095
<b>Rebuilding of Southeast Asia after Tsunami</b>		Hon. Terry Stratton . . . . .	1095
Inquiry.		Referred to Committee.	
Hon. Lorna Milne . . . . .	1083	Hon. Joseph A. Day . . . . .	1096
		Hon. Anne C. Cools . . . . .	1096
<b>QUESTION PERIOD</b>		<b>Business of the Senate</b>	
<b>The Environment</b>		Hon. Lowell Murray . . . . .	1096
Kyoto Protocol—Plan of Compliance.		Hon. Jack Austin . . . . .	1096
Hon. Terry Stratton . . . . .	1083	Hon. Donald H. Oliver . . . . .	1096
Hon. Jack Austin . . . . .	1084	Hon. Bill Rompkey . . . . .	1096
Hon. Leonard J. Gustafson . . . . .	1084	<b>Certain Standing Committees Authorized to Meet During</b>	
		<b>Adjournment of the Senate</b>	
		Hon. Bill Rompkey . . . . .	1097







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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

Thursday, April 21, 2005

THE HONOURABLE DANIEL HAYS  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, April 21, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### PARKINSON'S DISEASE AWARENESS MONTH

**Hon. Serge Joyal:** Honourable senators, with the consent of this house and in our tradition, I should like to deliver a message that Senator Pitfield wishes to bring to your attention today.

I would take this opportunity to draw to your attention that April is National Parkinson's Disease Awareness Month in Canada and around the world. Today marks the fortieth anniversary of Parkinson Society Canada.

[Translation]

To date, 100,000 Canadians have been diagnosed with Parkinson's disease and, without a cure or treatment, experts predict that this figure will double over the next decade. In addition, Canadians living with Parkinson's have trouble getting the specialized care they need because there are considerably fewer neurologists.

[English]

Please join me in offering support to Parkinson Society Canada as they work to fund research to find a cure and to deliver support programs that are essential to those battling Parkinson's disease today.

#### THE HONOURABLE P. MICHAEL PITFIELD

#### CONGRATULATIONS ON BECOMING HONORARY CHAIR OF PARKINSON SOCIETY CANADA

**Hon. Serge Joyal:** Honourable senators, I should draw your attention to the fact that Senator Pitfield has been appointed the Honorary Chair of Parkinson Society Canada.

**Hon. Senators:** Hear, hear!

**Senator Joyal:** I am sure you will join me in expressing our support and admiration for the dedication that Senator Pitfield has brought to his work in this chamber and for the effort he has demonstrated on behalf of all Canadians. He is a model for all those who fight this difficult disease, as well as a great contributor to the building of our country.

Thank you, Senator Pitfield.

**Hon. Senators:** Hear, hear!

### FOREIGN AFFAIRS

#### CHINA—RESPECT OF RIGHTS OF TIBETANS

**Hon. Consiglio Di Nino:** Honourable senators, last year on this day, we had the pleasure of welcoming His Holiness the Dalai Lama to Ottawa. His visit to Canada reminded us that in today's world, filled as it is with violence and age-old hatreds, there is another world, and that is the commitment to achieve peace through dialogue rather than conflict. His visit also reminded us of the grim situation in Tibet, a homeland he has not seen in almost five decades.

Honourable senators, I once again urge our government to do all it can to support the efforts of His Holiness to reach an accommodation with the Chinese that respects the fundamental rights of Tibetans. I believe we have both an opportunity and an obligation to speak in support of the Dalai Lama's quest for a just and lasting solution to this long-standing issue.

#### NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

**Hon. Catherine S. Callbeck:** Honourable senators, I rise in the Senate today in recognition of National Organ and Tissue Donor Awareness Week. Organ and tissue donation is indeed the gift of life. Organ recipients are given a chance to be healthy again, to be with their families, and to enjoy their lives to the fullest.

Over the years, the number of people who can benefit from organ donation has grown because we have made great strides in the field of medicine. What is possible today is indeed remarkable. However, despite these medical advances, still not nearly enough viable organs are available for transplant. As a result, more than 4,000 Canadians desperately waited for organ transplants in 2004. Sadly, 242 of them lost their lives while waiting.

Honourable senators, you may be surprised to learn that Canada ranks in the bottom half of industrialized nations regarding organ donations. The Canadian rate of organ donations transplanted from deceased individuals was only about 13 per million of population last year.

To make matters worse, almost one third of all organs appropriate for transplant were wasted because people did not share their wishes regarding organ and tissue donation with their family members. In most parts of Canada, families make the final decision on organ donation, even if their loved ones left a signed consent or registered their intention with the province.

Honourable senators, I should like to take this opportunity to thank those Canadians who have already made such arrangements and to ask them to make certain that their families are fully aware of their wishes. In addition, I strongly urge all those who would consider being a donor to learn more about the requirements in their own province and to take the steps necessary to become an organ donor. In doing so, we can all help to give so many other Canadians the precious gift of life.

• (1340)

## HER MAJESTY QUEEN ELIZABETH II

## FELICITATIONS ON SEVENTY-NINTH BIRTHDAY

**Hon. Anne C. Cools:** Honourable senators, I rise today to join most of the world in wishing Her Majesty Queen Elizabeth II a happy and joyous seventy-ninth birthday.

Honourable senators, this extraordinary woman was the child of extraordinary parents, King George VI and Queen Elizabeth, the Queen Mother, both of whom endeared themselves very deeply to Canadians in the royal visit of 1939. En passant, that visit that was conceived by Winston Churchill and our own Prime Minister William Lyon Mackenzie King as a means of organizing a meeting between President Franklin D. Roosevelt of the United States of America and King George VI, because of the looming danger of Hitler's Nazi Germany.

Her Majesty, as you know, has lived a life that has been dedicated to the notion of the leader as servant and, to my mind, a life of enormous civic duty and public responsibility. About Her Majesty, I would like to say that she herself is deeply endeared to Canadians. Last summer, at the sixtieth anniversary celebrations of D-day, it became clear to every single person there — I was not there of course — that she was the most significant individual present. She meant the world to Canadian veterans. We should understand that these young men — they are old men now, those who are left — went out to fight many years ago. They went out to fight for God, Queen and country.

Honourable senators, this is a concept that means a lot to me, and it means a lot to those old veterans. It is a concept that I would like to see renewed and reaffirmed, because if you do not stand up for God, Queen and country then you stand for your own ambition and vanity, I believe. I always remember the great words of Lord Acton, that power tends to corrupt and absolute power corrupts absolutely. I was raised to believe that the question of the sovereign should be a question that is settled. My school mistress used to say one should never trust anyone who wants to be king or queen.

In closing, Her Majesty Queen Elizabeth, this marvellous woman, this lover of horses, this breeder of horses and thoroughbreds is a great friend of Canada. I would like to say once again that she has lived to the best of her ability the high concept of public service in Christ the King. She is a great woman, a great queen a great parent and a great servant. God bless the Queen and may she have many, many, more happy birthdays.

**Some Hon. Senators:** Hear, hear!

## THE CHARTER OF RIGHTS AND FREEDOMS

FIFTEENTH ANNIVERSARY  
OF PROCLAMATION OF SECTION 15

**Hon. Shirley Maheu:** Honourable senators, this week we celebrate the fifteenth anniversary of the proclamation of section 15, the equality provisions of our Charter of Rights and Freedoms. Section 15 is an integral part of our living, breathing and growing Charter tree. It enshrines women's rights, our multicultural identity and all our deeply held values of equality. It

defines how to treat each other and it is our fundamental acknowledgement of our shared belief in each other's dignity.

Our Charter is the culmination of the Magna Carta of 1215, the great English Bill of Rights of 1689, our own Quebec Act of 1774 and our Constitutional Acts of 1791 and 1867. The latest of our important Canadian constitutional documents is the Civil Marriage Act that currently makes its way through the other place. As we await its passage here, let us remember that our last great human rights battle was also fought right here on Parliament Hill. In 1917, some women were given the right to vote in Canada in the Wartime Elections Act, but reactionary Canadians were strongly opposed to the vote for women during peacetime, let alone universal suffrage for women. These reactionary elements claimed that women were feeble-minded and only suitable for domestic and reproductive purposes.

The leader of this point of view in Quebec was none other than Cardinal Villeneuve, who stated, before he won his red hat, that women do not hold the natural right to participate in the government of civil society. His approach to civil rights sounds a lot like the anti-gay rhetoric of today. The campaign against civil rights for women was so strongly promoted by reactionary elements that it was not until 1944 that women got the right to vote in Quebec.

Honourable senators, these reactionary elements always lose. Unfortunately, before they lose, they leave a trail of prejudice, bitterness, misinformation and plain, old-fashioned bigotry. Their tactics to diminish the dignity of some Canadians tend to be disingenuous. The reactionary rhetoric of the 1920s, 1930s and 1940s of the last century to relegate some Canadians to the back of the bus resembles the reactionary rhetoric of today against our gay community.

Some members of the House of Commons have been using the same kind of vocabulary to diminish gay rights that was used against women's rights. In fact, honourable senators, by changing a few words in the current debate, we could have easily imagined them speaking against women's rights 75 years ago — the same sentiments, the same tone and the same intolerance. The passage of the Civil Marriage Act will honour the 20 years of positive growth of some human rights achieved by way of section 15 of our Charter.

**Some Hon. Senators:** Hear, hear!

## BRAZIL

INTERNATIONAL CONFERENCE  
ENTITLED ADVANCING RACIAL EQUITY:  
A DIALOGUE IN POLITICS

**Hon. Donald H. Oliver:** Honourable senators, more than 186 million people live in Brazil. Fifty-four per cent are Black. The country has a vast array of natural resources and has a thriving agricultural sector. Brazil's GDP in Canadian dollars was estimated to be \$691 billion in 2003. It is by far the largest and most populous country in South America, and is a leading economic power and a regional leader.



Honourable senators, Brazil is also in a racial crisis. Blacks hold 83 per cent of the manual jobs. Blacks also earn on average 45 per cent less than their White counterparts. Of the discriminated groups, Black women are especially oppressed because they are subject to double and triple discrimination, gender and race, as well as social origin, which is associated with the first two types of discrimination. The division of labour in Brazilian society remains largely unchanged from when it became an independent nation in 1822. As with colonial rule, racial discrimination is the basis for inequality and social exclusion.

Honourable senators, with that background, I was asked to speak at the landmark international conference held last week in Brasilia, Brazil, called Advancing Racial Equity: A Dialogue in Politics. I was asked by Brazilian officials to speak about how Canada's multicultural framework has functioned as an institutional model for integrating racial and ethnic minorities. Conference organizers hoped that a Canadian presence would shed some light on potential building blocks to assist Latin American policy makers in their struggle for a less unequal society.

My speech focused on how Canada is a country of immigrants whose economic success is predicated on our ability to attract ethnic minorities from around the world. In Canada, racial integration is an economic necessity. However, I also explained the historical background of Canada's cultural duality, and how biculturalism provided the basic condition for accommodating diversity in that the accommodation of two cultures raised the possibility of accommodating additional cultures.

Honourable senators, Latin America's legacy of systemic discrimination has been avoided in the public debate for over a century. Hopefully this conference will help to give a public voice to the nearly 100 million Blacks who are victims of Latin America's ongoing racial crisis.

### POPE BENEDICT XVI

**Hon. Jeremiah S. Grafstein:** Honourable senators, I rise to pay respects to His Holiness Pope Benedict XVI. As a student of the church, always rich in symbolism, to take the mantle of St. Benedict, the patron saint of Europe, offers interesting insight into the Pope's stewardship in the future direction of the church.

I had the opportunity to meet the Pope when, as Cardinal Ratzinger, he visited Toronto in 1985. He was there to speak at a mass public meeting at Varsity Arena entitled, An Evening with Cardinal Ratzinger. I was delighted to attend and join 8,000 enthusiastic members of the audience in this moving event organized by our great and good friend Dennis Mills and made possible by the generous support of Frank Stronach.

• (1350)

Earlier, the late Cardinal Carter invited me to a small, private dinner to meet this eminent cardinal. I knew of his participation as an advisor to the Cardinal Archbishop of Cologne in the

sessions of Vatican II. I was surprised to find myself as the only non-Catholic in this small, select company that included my friend and one of Canada's and the world's greatest outstanding scholars, Father Jim McConica, then President of St. Michael's College. I learned more of Cardinal Ratzinger's participation as a key adviser in the formulation of Vatican II. I was told by Cardinal Carter and my friend Dennis Mills and Father Jim McConica that we would share a common interest in the changing attitude of the church as manifested by Vatican II.

During the dinner, I was allowed ample time to enter into a direct discourse with the new Pope. I came away deeply impressed by being in the presence of a superior, brilliant mind, deeply engaged in the momentous issues of Vatican II and, above all, his humble and very gentle demeanour.

As Pope John Paul II did, I believe Pope Benedict XVI will surprise all as he forges a different path for the church, assaying, as his predecessors have, to fill the capacious footprints of the first fishermen.

The name "Benedict" comes from the Latin word for "blessing." May we hope that the new Pope's work brings blessings to his followers and the entire world.

## ROUTINE PROCEEDINGS

### OFFICIAL VISITS

REPUBLIC OF TRINIDAD AND TOBAGO, URUGUAY,  
REPUBLIC OF INDONESIA—REPORTS TABLED

**Hon. Daniel Hays:** Honourable senators, I have the honour of tabling the report of an official visit to the Republic of Trinidad and Tobago made February 21 and 22, 2005; a report covering an official visit to Uruguay for the inauguration of President Vasquez, February 29 to March 5; and a report of an official visit to the Republic of Indonesia from March 14 to 17, 2005.

### PARLIAMENT OF CANADA ACT SALARIES ACT

BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Donald H. Oliver,** Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, April 21, 2005

The Standing Senate Committee on National Finance has the honour to present its

### EIGHTH REPORT

Your Committee, to which was referred Bill C-30, An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts,

has in obedience to the Order of Reference of Thursday, April 14, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DONALD H. OLIVER  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, with leave, now.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Some Hon. Senators:** Agreed.

**Hon. Anne C. Cools:** I do not understand. Why are we not proceeding in the usual and proper way?

**Senator Austin:** Honourable senators, if there is a senator who wishes to again return to debate on Bill C-30, of course we should not give leave now. I had not heard that there was a senator who wanted to participate in the debate. Parliament is about to go into a break. It would be convenient, quite frankly, to the government to have this legislation receive Royal Assent so that it can be implemented by the public service.

**Senator Cools:** Honourable senators, I believe it is customary, when unanimous consent like this is requested, to provide the chamber with an explanation. When such consent is sought, it is usually to do the reading later this day. I wonder why the double urgency. It is one urgency to do everything today; it is a second urgency to try to give third reading right now. Once an explanation is given, it all begins to make some sense. There will be third reading debate right now; is that correct?

**Senator Austin:** Honourable senators, if Senator Cools wishes to participate in the debate, I would be happy to move that the bill be read again at the next sitting.

If Senator Cools is simply asking for an explanation, I have given the explanation. Royal Assent is scheduled for this afternoon. My request is meant simply for the convenience of the chamber, not for any other reason. It would be convenient to the government for the bill to receive Royal Assent so that it can be implemented. It is retroactive to April 1, 2004. There is no urgency to it. It is simply a polite request on my part to honourable senators if there is no need to occupy the agenda with this bill at a later time.

**Senator Cools:** Honourable senators, I did not refuse consent. I was asking for clarification as to whether there would be some debate today at third reading, which is now. I do not know who the sponsor of the bill is, but perhaps the sponsor can begin third reading debate.

**Senator Austin:** I would be happy, honourable senators, to ask for leave for later this day.

**Senator Cools:** That would be better.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

On motion of Senator Austin, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.

[Translation]

## OFFICIAL LANGUAGES

### BUDGET AND AUTHORIZATION TO TRAVEL— REPORT OF COMMITTEE ON STUDY OF APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS PRESENTED

**Hon. Eymard G. Corbin,** Chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, April 21, 2005

The Standing Senate Committee on Official Languages has the honour to present its

## FIFTH REPORT

Your Committee, which was authorized by the Senate on November 3, 2004 to study and to report on the application of the *Official Languages Act*, respectfully requests the permission to adjourn from place to place within Canada and to travel inside Canada for the purpose of such study, and requests the approval of funds for fiscal year 2005-06.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

EYMARDE G. CORBIN  
*Chair*

(For text of budget, see today's Journals of the Senate, p. 809.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Corbin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.



[English]

[Translation]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### NINTH REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey**, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, April 21, 2005

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

### NINTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2005-2006.

#### Internal Economy, Budgets and Administration

Professional and Other Services	\$ 3,000
Transport and Communications	\$ 0
Other Expenditures	\$ 0
<b>Total</b>	<b>\$ 3,000</b>

#### Official Languages (Legislation)

Professional and Other Services	\$ 17,700
Transport and Communications	\$ 500
Other Expenditures	\$ 500
<b>Total</b>	<b>\$ 18,700</b>

(includes funding for conference attendance)

**GEORGE J. FUREY**  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1400)

## NATIONAL FINANCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that later this day I will move:

That, in accordance with rule 95(3), the Standing Senate Committee on National Finance be empowered to meet on Monday, May 2, 2005, even though the Senate may then be adjourned for a period exceeding one week.

## CONFERENCE ON WOMEN'S RIGHTS

### NOTICE OF INQUIRY

**Hon. Rose-Marie Losier-Cool:** Honourable senators, pursuant to rule 56 and rule 57(2), and following my attendance last week in Paris at a women's rights conference organized by the French Senate and the Mouvement français pour le planning familial, I give notice that on Tuesday, May 3:

I will call the attention of the senate to the Millennium Development Goals, more particularly to Goal number 3, seeking to promote gender equality and to empower women.

[English]

## SITUATION IN SUDAN AND ROLE OF CANADA'S SPECIAL ENVOY

### NOTICE OF INQUIRY

**Hon. Mobina S.B. Jaffer:** Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I will call the attention of the Senate to the situation in Sudan and the role of Canada's Special Envoy for Peace in Sudan.

## EFFICACY OF GOVERNMENT IN IMPLEMENTING KYOTO PROTOCOL

### NOTICE OF INQUIRY

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that on Tuesday, May 3, 2005:

I shall call the attention of the Senate to the failure of the government to address the issue of climate change in a meaningful, effective and timely way and, in particular, to the lack of early government action to attempt to reach the targets set in the Kyoto Protocol.

## QUESTION PERIOD

### THE ENVIRONMENT

#### KYOTO PROTOCOL—PLAN OF COMPLIANCE

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, my question is addressed to the Leader of the Government in the Senate. Yesterday in the chamber, Senator Austin stated: "...the government's Kyoto plan has been widely accepted by both the business and environmental communities."

Unfortunately, that is not what I heard. An article in the *Calgary Herald* states:

Mr. Tom Adams, Executive Director of Energy Probe, a national energy and environmental watchdog, said a coast-to-coast transmission grid poses risks to Canadians in terms of delivering reliable service. Moreover, it is "grossly unfair" because it would cost taxpayers tens of billions in tax dollars to benefit mostly Ontario.

Mr. Thomas d'Aquino, President of the Canadian Council of Chief Executives, which represents 150 leading Canadian enterprises from all sectors of the economy, said in the *National Post* that the Kyoto plan will impose "huge costs on taxpayers and will fail to meet its goals."

Mr. Matthew Bramley of the Pembina Institute, an environmental policy research organization, told the CBC that "taxpayers are going to take a stiff burden of costs to find emission reductions for Kyoto, while industry is really going to be asked to make overall what represents an economically insignificant contribution."

I have next a press release from the David Suzuki Foundation, which reads:

Canada's climate change plan lets big polluters off the hook and doesn't send a strong message to industry that our economy must become cleaner and more efficient to compete in the global marketplace.

Greenpeace criticized the plan when it stated that it is:

...inadequate to achieve Canada's Kyoto mission reduction target within the time frame required by the Protocol.

These criticisms do not have wide acceptance, as the leader had stated. Will the Leader of the Government in the Senate tell us why Canadians are being asked to spend \$10 billion of taxpayers' money on a plan that many environmental and business groups, and even a Liberal minister, thinks will not work?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is most interesting to have this question from Senator Stratton and to listen to his quotations from various advocates coming from 180 degrees of difference in terms of approach and policy. Hearing the Pembina Institute comments next to the Suzuki Foundation comments is quite a straddle. However, the best way to pursue the government's Kyoto plan in this chamber is in response to Senator Andreychuk's inquiry, of which she gave notice. This side welcomes the inquiry because it will provide an opportunity to provide more detail for clarification of government policies in respect of its Kyoto plan and the Green Project. This side looks forward to participating in such an inquiry.

**Senator Stratton:** I am delighted to have the opportunity to enter that debate as well, and I thank Senator Andreychuk for putting forward her inquiry, if for no other reason than to find an answer to why it took so extraordinarily long for the government

to come up with a plan of action on the Kyoto Protocol. Does the Leader of the Government have an answer to that extraordinary delay of seven or eight years? It is costing Canadian taxpayers far more now than it would have cost had this plan been instituted a while ago.

**Senator Austin:** Honourable senators, the house will be able to discuss, debate and, perhaps, disagree on the plan during the course of the inquiry. I have said in this chamber more than once in response to the same question from Senator Stratton that whereas in 1997 certain targets were accepted by Canada for its Kyoto obligations, those targets must be developed in terms of methodology and a sharing of costs with the various levels of government and the private sector. The government would not act simply to issue a ukase to the Canadian people on how this plan should be developed and implemented. This government is one that achieves consensus through a process of discussion, and we have achieved consensus amongst governments and the major players in the economy with respect to the Kyoto plan.

• (1410)

I have also said, honourable senators, in this chamber that the plan is not one that has specific programs with unalterable targets. The plan is dynamic. We will live with our experiences as the Kyoto application unfolds, and we will make the changes that need to be made.

## INTERNATIONAL TRADE

### BOVINE SPONGIFORM ENCEPHALOPATHY— CLOSURE OF BORDER TO CANADIAN CATTLE— INTERVENOR STATUS IN MONTANA COURT CASE

**Hon. Leonard J. Gustafson:** Honourable senators, my question relates to an application for intervenor status in the Montana courts in regard to opening up the border to Canadian cattle. Today, honourable members of the Conservative Party, Belinda Stronach, International Trade Critic of the Official Opposition and Diane Finley, Official Opposition Agriculture Critic, announced that a group of concerned Conservative members will apply for intervenor status in the Montana courts.

Why has the government not applied for this status? Why would the Government of Canada leave it to the opposition to do the government's work? Is this a tactic that the Prime Minister is using to negate his obligations to Canadian farmers? This is a serious situation which warrants a response.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the situation is that the United States Department of Agriculture has intervened, seeking to set aside the interim decision of Federal Court Judge Cebull in the Montana case brought on by R-CALF. The position of the United States Department of Agriculture is in exact conformity with that of the Government of Canada. Nothing can be improved in the way of representation before that court by the Canadian government being an additional party. We stand on the public record as being entirely in support of the United States Department of Agriculture and its position in that litigation.



I do not know whether the application of certain politicians in this country, as outlined by the honourable senator, for intervenor status in that case will improve the opportunity for the Canadian cattle producers to win that case. I do not know whether it will be seen by the Americans as pure political opportunism, something having to do with nothing more than the current political environment in Canada. I hope it does no damage to the position, and I hope that the action was taken on competent legal advice.

**Senator Gustafson:** Honourable senators, the facts are that a lawyer who appeared before the press conference today, and who represents a firm that acts both in Toronto and Washington, indicated in the release that there was a good chance that they would get a hearing in Montana and be able to put forward the case for Canadian farmers regarding the border. He is obviously well educated and well versed in the situation, and the firm is taking it upon itself to represent the members of the opposition.

Again, my question is: Why has the government not stepped up to the plate and done its job in this regard?

**Senator Austin:** Let me repeat my response to Senator Gustafson. The best intervenor is the United States Department of Agriculture, which is intervening in exactly the way the Government of Canada would intervene; and we support that intervention by the United States Department of Agriculture.

Our position cannot be improved beyond the position the United States Department of Agriculture is taking, which is seeking to set aside the decision of Judge Cebull. I certainly hope that the actions that the honourable senator has announced here, of which I was not previously aware, are helpful.

**Senator Gustafson:** It is clear that even the President of the United States, and the Minister of Agriculture and members from both sides of this house were present, when in the opening remarks of his speech he indicated that he was in support of the opening of the border. Many Americans, in both Congress and the Senate, support the opening of the border. It is a matter of now dealing with the court in Billings, Montana, and that means dealing with R-CALF and one local judge.

Therefore, the intervention of the Canadians I mentioned, with proper legal advice, would be most helpful.

**Senator Austin:** As I said, honourable senators, I am not at all convinced of that, but I hope it is true.

## PRIME MINISTER

### POSITION OF MR. MAURICE STRONG AS UNOFFICIAL ADVISOR

**Hon. David Tkachuk:** Honourable senators, yesterday, Maurice Strong stepped aside as UN adviser to North Korea. The reason for his action is the close and ongoing business relationship he had with Mr. Tongsun Park, who is now under indictment by U.S. federal authorities investigating the UN oil-for-food scandal. One aspect of that relationship is that Mr. Park allegedly invested more than \$1 million of the money he received in the oil-for-food scandal in a company run by Mr. Strong's son.

You will be interested to know, honourable senators, that another investor in that company that Mr. Strong's son was running was Paul Martin's CSL Group. Mr. Strong has long been associated with the Martin family and, indeed, was first brought to Ottawa in 1966 by Paul Martin, Sr. He was described in *The Globe and Mail* today as an influential mentor, close friend and unofficial adviser to the Prime Minister.

My question for the Leader of the Government in the Senate is: Does Mr. Strong remain an unofficial adviser to the Prime Minister?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, with respect to the question asked by Senator Tkachuk, Mr. Strong is not an official of the Government of Canada and I can answer only on behalf of the Government of Canada, not private individuals.

**Senator Tkachuk:** Can the Leader of the Government in the Senate reveal to us how much Mr. Strong is paid to serve as the unofficial adviser to the Prime Minister?

**Senator Austin:** Mr. Strong receives no payment from the Government of Canada.

## NATURAL RESOURCES

### NOVA SCOTIA AND NEWFOUNDLAND AND LABRADOR—SPLITTING OF REVENUE-SHARING AGREEMENT ON OFFSHORE OIL REVENUES FROM BUDGET IMPLEMENTATION BILL

**Hon. Ethel Cochrane:** Honourable senators, my question for the Leader of the Government in the Senate concerns the Atlantic accord, which was signed by the Prime Minister and the premiers of Nova Scotia and Newfoundland and Labrador in February.

Instead of bringing forward stand-alone legislation to implement the Atlantic accord, the federal government has tied this historic agreement to 23 other budget provisions in Bill C-43, an omnibus bill of over 100 pages. When the previous Conservative government agreed to an accord in 1985, it took the form of stand-alone legislation.

My question to the Leader of the Government in the Senate is: Will the federal government honour its agreement with these provinces as quickly as possible and split the accord from the budget implementation bill?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank Senator Cochrane for the opportunity to make the government policy in this regard clear.

It is a convention that budget bills encompass a number of various issues and items, as does the budget address when it is presented in the other place.

Bill C-43 is designed to implement the government's budget announcement of last February. I am very much aware of the desire by the provinces of Newfoundland and Labrador and Nova Scotia to see passed into law the agreement, to which the honourable senator refers as the Atlantic accord, which is a part of Bill C-43.

• (1420)

The government would like to see this bill passed. Of course, the matter is now in the process of being dealt with in the other place. I am advised it is not the government's policy to split Bill C-43 in any way, shape or form. It is a comprehensive government budget bill, and is presented as such.

I am also advised that there would be no consent from one of the opposition parties to permit the bill to be split, and consent is required under the rules of the other place.

**Senator Cochrane:** Honourable senators, since the budget considerations in this implementation bill respecting the Kyoto plan were removed from the bill, I did hope that it would be possible for the government to follow this same procedure with respect to the Atlantic accord. I recognize that Bill C-43 is huge and its contents would be the subject of many questions and answers. However, if the Atlantic accord were dealt with separately, it could be passed expeditiously.

I am pleased to hear the leader say that it is the government's wish to deal with this matter quickly because it is estimated that my province will lose between \$1 million and \$3 million every week the matter is delayed. That is a lot of money to Newfoundlanders and Labradorians. Ours is a small province, with a population of less than half a million people.

As a result of the political reality in which we now operate, people in both provinces are concerned about what will happen to the accord if it is not soon passed. If the federal government were truly committed to expedite the passage of the accord, it would support any method to do so now. How can Newfoundlanders and Labradorians and Nova Scotians believe that the federal government truly supports swift implementation of the accord when its words have not matched its actions?

**Senator Austin:** I disagree with the honourable senator's last sentence. The government has presented its budget. The budget bill has been presented. It is at the disposal of the other place. The government members are prepared to vote for it as quickly as the procedures of the other place permit it to be brought forward for a vote.

However, as I have said to the honourable senator, a party in the other place does not support the Atlantic accord and will not give consent to anything but the most standard way of proceeding in the other chamber. The government can do nothing about that.

**Senator Cochrane:** Honourable senators, did the party to which the leader alludes agree to removing the provisions respecting the Kyoto plan from the bill?

**Senator Austin:** I am not sure of the accuracy of the honourable senator's statement with respect to Kyoto, but I will look into that question.

## HEALTH

### TEST KITS CONTAINING MISLABELLED STRAINS OF INFLUENZA

**Hon. Wilbert J. Keon:** My question is for the Leader of the Government in the Senate regarding the A/H2N2, the deadly strain of influenza mistakenly sent to laboratories all over the

world, including 20 in Canada. As we all know, we owe a debt of gratitude to our new director of the Public Health Agency for alerting the world of this error.

The World Health Organization has told us that all the samples have been located and almost all have been destroyed. However, many people in the scientific and health care communities, as well as in the general public, are wondering how such a deadly virus was disseminated in the first place. No public explanation has been given.

Could the Leader of the Government tell us what Health Canada has learned over the last several days about how this virus entered our country and was circulated around the world?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I answered a question regarding that particular issue last week. I am delighted to hear from Senator Keon that all the samples have been located because, a few days ago, I heard that three samples had not been located, one in Lebanon, one in Mexico and another in one other country. If they have all been located, that is an enormous relief.

We do know that they were unintentionally sent out by a private, non-profit organization in the United States. Somehow, an error was made.

I understand that U.S. authorities are conducting an investigation and will advise Health Canada shortly.

## TRANSPORT

### TEST KITS CONTAINING MISLABELLED STRAINS OF INFLUENZA—MOVEMENT AND HANDLING OF DEADLY VIRUSES

**Hon. Wilbert J. Keon:** Honourable senators, this incident and other recent occurrences raise serious questions about the movement and handling of deadly viruses, and related public safety issues and security concerns.

Last month, a FedEx van carrying anthrax and other biological agents to the National Microbiology Laboratory in Winnipeg was involved in a traffic accident. Fortunately, no one was hurt and the viruses were not compromised.

Could the Leader of the Government in the Senate tell us if the Transport Canada ongoing review of the Transportation of Dangerous Goods Act will look into both these incidents; and when does the department expect to complete its review?

**Hon. Jack Austin (Leader of the Government):** I will have to obtain information from those departments. I will seek that information as quickly as I can.



[Translation]

### DELAYED ANSWER TO ORAL QUESTION

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to present a response to a question raised in the Senate on February 23, 2005, by Senator Meighen regarding the pension of Clifton Wenzel.

### VETERANS AFFAIRS

#### DENIAL OF ANNUITIES—CASE OF CLIFTON WENZEL

*(Response to question raised by Hon. Michael A. Meighen on February 23, 2005)*

There is no question that Mr. Wenzel served Canada with distinction in the Second World War and the years that followed.

The issue of Mr. Wenzel's pension is a complex one that dates back decades.

For this reason, the Minister of National Defence decided to send this case to the Ombudsman.

The minister asked the Ombudsman to complete a full review and to do so without delay.

The minister wants to make sure that there is no injustice and this is why he asked for an independent review.

and sought to make that upper-tier income and judicial compensation more or less parallel, which may well be justified. That is for another legislative day, I believe.

However, it is not justified to link parliamentarians' income to the income of upper-tier income lawyers in Toronto and Montreal. I wish I could add Vancouver to that, but I do not think Vancouver lawyers make the same kind of money. I could, however, probably add Calgary to that list.

The result is we have now provided in this legislation linkage to an index that encompasses nearly a million Canadian employees but does not include public servants.

• (1430)

The reason for choosing that particular index is so there would be no accusation that Parliament could effect its own income by legislating with respect to the income of a group that included public servants.

Honourable senators, this appears to be a policy widely accepted by the Canadian public. The committee, as reported by Senator Oliver, saw no exception to be taken to this policy and I commend it to the chamber.

**Hon. Anne C. Cools:** Honourable senators, I rise to take part in third reading debate on Bill C-30. I was listening with some care to the Leader of the Government's intervention. I am always struck by the fact that aggressive numbers — I think those are his words — in terms of salaries or compensation, because they are not salaries, are okay for judges but not for members of Parliament. I find the whole matter distressing in many respects. I would like to make it clear, honourable senators, that members' salaries are not a question that I get involved in very often. I have always left it to other people to determine what we should be paid.

I would like to say for the record that contrary to this notion that judges' salaries have to be so high because it is hard to attract good candidates, the fact of the matter is that on becoming a judge, most lawyers experience a very significant increase in income. As a matter of fact, the data shows that judges are among the highest paid individuals in the country.

On the same point, I would like to continue by saying that barely a few years ago, in June 2001, I believe, this house passed Bill C-28. Honourable senators will recall that was the bill at the time that linked members of Parliament's salaries to judges. Honourable senators, I would like to remind this house that I objected to that process strenuously at the time on the grounds that it was unconstitutional, unparliamentary and improper.

Talking about aggression, I would like to remind honourable senators that the government of the day, the Liberal government, was aggressive with members here who disagreed with the position that the government had adopted.

**Senator Murray:** Surely not.

**Senator Cools:** The government would accept no amendments or changes to Bill C-28. As a matter of fact, I have my Senate remarks of June 13, 2001 right before me. If we were to go to the end of the debate, right at the vote, you would see where His Honour asked for third reading debate and asked if it was the

[English]

## ORDERS OF THE DAY

### PARLIAMENT OF CANADA ACT SALARIES ACT

#### BILL TO AMEND—THIRD READING

**Hon. Jack Austin (Leader of the Government)** moved third reading of Bill C-30, to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts.

He said: Honourable senators, I do not plan to say very much about this bill since senators are familiar with its contents. It relates to compensation for senators and members of the other place. With passage of the bill, compensation provisions will be severed from existing legislation which links parliamentarians' compensation to that of judges.

As honourable senators know, the quadrennial commission, which reviews judicial salaries, reported a rather aggressive number for judges, and therefore by linkage with legislation, for parliamentarians. The number applicable to judges was based on a new formula adopted by the quadrennial commission. It referenced upper-tier income on the part of the legal profession

pleasure of honourable senators to adopt the motion. It says that honourable senators agreed. The record shows Senator Cools saying, "On division." I would like to say, if you think it was easy, believe you me, I left that side of the Senate for good reasons.

Honourable senators, perhaps I can refer back to that debate. On June 13, 2001, I said the following:

Honourable senators, about Bill C-28 and the salaries of senators and members, I will say the same thing. Again, I take no issue with the quantum of the increase in parliamentarians' salaries as proposed in this bill. However, as with the Judges Act, I do take the very same exceptions with the process used to arrive at the quantum for the salaries. In addition, I strongly object to the tying of parliamentarians' salaries to the salaries of the judges, being the salary of the Chief Justice of the Supreme Court of Canada. Bill C-28's clause 1 makes this tie. It establishes a valuation point as the basis for the salaries of members of both Houses of Parliament. It names that valuation point a remuneration reference. That remuneration reference is the Chief Justice's salary. I take strong exception to the statutory inclusion of even a mention of the Chief Justice in the Parliament of Canada Act.

Honourable senators will remember that I felt very strongly and I opposed that strenuously at the time.

Honourable senators, the phenomenon of using the Chief Justice's salary as the valuation base for parliamentary salaries is not an appropriate or a desirable parliamentary action, and is unknown and even unhealthy to Parliament, the high court of Parliament. Bill C-28's technique of enshrining in statute with the link between the salary of the Supreme Court's Chief Justice with the salaries of parliamentarians is not properly respectful of the coordinate constitutional roles of Parliament, the judiciary and the cabinet. Bill C-28 is not respectful and does not honour our constitutional principles and practices around constitutional comity between Parliament, the judges and the cabinet. Furthermore, it undermines those principles.

In any event, that bill passed over the strong objections of some senators.

I would also like to make clear that I had another objection. I objected to the then new phenomenon of paying extra remuneration to members of Parliament, MPs, and senators, to act as chairmen and deputy chairmen of committees. I had problems when that was created. Honourable senators will remember that retired Senator John Stewart, many years ago, had strongly objected to that sort of thing on the grounds that it was unparliamentary. There is a difference between salaries of backbench members and the salaries of ministers because ministers of the Crown enjoy Her Majesty's preferment. That difference in salary was based on that fact. There is no constitutional reason, however, that can be given for differentiating the remuneration for backbench members of Parliament. Members of Parliament are equal, their remuneration should be equal.

I contend that if, by an act of Parliament, we can increase salaries for some members, then we can also decrease salaries for some members. It is an important constitutional principle that has been tampered with. I look forward to the day when some of us here will look at the performance of committee deputy chairmen and committee chairmen, and do an evaluation on the grounds that they are now being paid to do the job.

**Senator Prud'homme:** Hear, hear!

**Senator Cools:** Quite frankly, some are doing lousy jobs. It is the most terrible form of patronage with proper constitutional basis. I just wish to remind honourable senators of my concerns at the time.

My concerns in 2001 about that bill remain unchanged. It seems that this government is the first to change its mind. Perhaps that is my next point, but the principal objections that I had raised then are as valid now as they were then.

I will continue by saying to you that now on Bill C-30 I do not understand why this bill has been placed on such a fast track. Neither do I understand the lack of interest that members of the Senate have in speaking to it. What I would like to record here is my objections to this government's reversal of a position adopted very recently, just a few years ago, and a position adopted with what I would describe as heavy duty force, heavy duty party discipline, many threats and a fair amount of coercion.

I would like to record here again that this government seems to believe that Parliament, this chamber in particular, is a personal fiefdom of the Prime Minister and his office and that this chamber, this house should change its mind every time the Prime Minister nods. It is an improper thing to ask a house to reverse its position and to adopt a contrary position to what it adopted previously. Perhaps it does not bother some members. However, it bothers me greatly. In my mind, it is the continuation of what I would describe as the consistent and persistent diminution of Parliament and members of Parliament. If the government decided that it did not like the formula it created with Parliament's agreement, it had a few options. It could have lowered the judges' salaries, but it did not do that.

• (1440)

I have deep concerns with the about-faces of this government. This Parliament votes in one direction one day and goes in the opposite direction the next day. I saw that on the question of marriage. The Attorney General of Canada argued on one side of the issue one day and on the other side the next. Obviously, the law had two positions. The law must have two positions if the Attorney General could do that. I argued during the reference that it was an improper and unconstitutional exercise of the powers of the Attorney General, Her Majesty's main law officer.

I do not think this manner of proceeding and operating is conducive to good legislation, good governance or a good result. As a matter of fact, I would say this manner of proceeding and operating is objectionable to the law of Parliament.



I understand that we will be receiving another bill soon on the judges' salaries. There is much background on this matter that I will bring forth at that time. It would be nice if we could find a proper, good and reasonable way to deal with the matter of compensation for members of Parliament. Minister Valeri insisted that this was the right way and so on. I have no doubt it will be a very short time before the government will change its mind yet again. This troubles me deeply.

Honourable senators, perhaps at some time we could have a debate on these underlying principles. When our remuneration, which we used to call indemnities, was linked to judges' salaries, I questioned, and had been questioning for some years, the very legitimacy of the judicial compensation commissions and their processes. In my speeches, I raised the point that the Constitution Act, 1867, section 100 informs that the Parliament of Canada shall fix and provide the salaries of the judges, that is the section 96 judges. We created the odd process where in fact the judges were fixing their own salaries and Parliament provided them. In addition to fixing their own salaries, the judges were also fixing our salaries as members of Parliament.

As a member of Parliament and a senator who takes her work and oath of allegiance very seriously, I was shocked when I read in the newspaper one morning that Bill C-28 would be repealed and a new regime would be placed before us. That information was announced not by the Prime Minister himself but by certain persons on the Prime Minister's staff. I have great concern about that, and perhaps one day we can have a debate on it.

The staff of the Prime Minister are not credentialed to make these remarks. There are certain fellows over there in the PMO who say a lot. There was always a deep understanding that the staff of the Prime Minister should be very circumspect and guarded in statements they make about members of Parliament, particularly on questions as delicate and sensitive as remuneration. However, that is a question for another day.

Could the Leader of the Government in the Senate use his influence to ensure that his government — a government I supported at one time — seeks more stability, certainty and longevity in the positions it adopts, rather than having two positions, the out-going and the incoming, being held simultaneously on many issues? It is troubling and it is destabilizing to the country and to the Parliament of Canada.

**Hon. Lowell Murray:** Honourable senators, I understand that there is a taxi with its motor running parked outside the building waiting to whisk this bill off to Rideau Hall for Royal Assent, therefore, for environmental reasons, if for no other, I will not hold up the bill.

Unlike Senator Cools, I supported the initiative taken a scant few years ago by the previous government to link the salaries of parliamentarians to those of judges. I did so because, having observed it from outside Parliament, and having been in the Senate for 20-odd years at that time, I was vastly relieved to have some formula apply, rather than putting parliamentarians through the demeaning exercise of having to consider and debate their own salaries.

At the committee, I reflected on the procedures 40 years ago under the Pearson and Diefenbaker governments and some of the posturing by members of Parliament who had given their private agreement to support an increase, and then made a public display of sending the increase back to the Crown, and all the rest of it. I thought the initiative taken by the government and passed by Parliament a few years ago was a good one, because it linked the process to a formula.

As Senator Austin has pointed out, the judicial commission recommended an increase that appeared to some to be excessive. The government had a panic attack and decided immediately, without further reflection, and certainly without consultation, to delink the salaries of parliamentarians and judges. I hope it is not being presented, as I think it may be in some quarters, as an act of great self-abnegation on our part.

The increase suggested by the judicial committee was in the vicinity of 10 per cent. In our own case, if I recall the figures correctly from the briefing book we received, the basic salary of senators as of January 1, 2001 was \$101,000 and change. Little more than four years later, our basic salary, as of April 1, was \$119,000 and change. We are really not doing too badly, I think.

If this basic wage index, or whatever it is called, to which we are now linked increases by something approaching the recent average, the increase would be in the vicinity of 2 per cent. If that happens, the calculation is of 2 per cent of the salary of a member of the House of Commons with a \$25,000 discrepancy maintained between our salaries and those of members of the House of Commons. If that happened, by this time next year we could be making a basic salary in the vicinity of \$121,000 or \$122,000. We should not put on sack cloth and ashes and give the impression that we are badly done by. We are not.

I agree with Senator Cools about extra pay for committee chairs. For a long time I was the chairman of various committees. I was glad to do it without extra pay. I considered it an honour and an opportunity to serve and to learn something about those fields. When committee chairs began being paid, I confess that I did not send the money back; I banked it. However, I do believe there is a problem with paying committee chairs, as has already been alluded to by Senator Cools. It is perhaps more pronounced in the other place because it puts under the Prime Minister's direct patronage an even larger number of people, in addition to ministers, parliamentary secretaries and the like.

• (1450)

The one point I did want to make, however, is that I think we have lost something in this process; that is, the appointment of a commission after every election to look into not just the salaries and benefits of parliamentarians, but also into their other needs, including research needs. It would be good to go back to that system if only to have those matters discussed in a more public forum and contribute perhaps to our own as well as to public education on those matters. Unless that happens, these decisions will be taken privately in the respective internal economy committees of the House of Commons and the Senate. I think public perception of what we are doing here and why we are doing it will suffer as a result.



I urge the government to consider this point. While the salary issue is taken care of by the new formula, it is still a good idea to have a commission every so often to look at the operation of parliamentarians, their offices here and, in the case of MPs, their offices in their constituencies. Therefore, I would urge the government to take that into consideration.

**Senator Cools:** Would the honourable senator take a question?

The Honourable Senator Murray has had great and extensive experience in government. I do not know that I support the idea, but there are many learned individuals who proposed the idea followed in some jurisdictions whereby commissions study the salaries of high positions, whether it be senior public servants, Order-in-Council appointments, judges, MPs or ministers. The recommendations are part of a total process of looking at all those salaries.

Has the honourable senator given such a system any thought or does he have any knowledge of this? Would it be worthwhile to consider such a system?

**Senator Murray:** I have not really given that subject any thought at all, honourable senators. My immediate reaction would be that each of the groups to which the honourable senator refers is *sui generis*, and I think it probably makes more sense to have them dealt with separately.

**Senator Day:** Question!

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I am totally opposed to this bill. I wonder why the debate has suddenly become so urgent on a bill we have just received.

This bill was introduced on first reading in the House of Commons on December 3, 2004. Debate at second reading was on December 8, 2004. It was referred to the Procedure and House Affairs Committee, and they sat from February 17 to 22, 2005, tabling their report on February 23, 2005. The debate at report stage was on March 23, 2005. Debate at second reading was on April 6, 2005 and third reading on April 12, 2005.

In the Senate, first reading was on April 13 and debate at second reading on April 14. The bill was sent to the National Finance Committee, where it was studied on April 19 and 20. Now we are faced with a significant bill and just about have a knife held to our throats as we are urged to "Hurry up, hurry up," as Senator Murray has said. I have great admiration for Senator Murray for his fine work as committee chair.

I wonder if the honourable senators have read the bill. There are even annual salaries in this bill for jobs that do not yet exist. I am still trying to find out who is the deputy to our extremely competent government whip in the Senate. There is even an annual allowance for this position. These are all details we should take a close look at.

I have listened carefully to the debate. I am a veteran parliamentarian and I know that talk of MPs' or senators' salaries always results in a national crisis. Demagoguery takes

hold of the newspapers and correspondents, and ultimately fear takes hold of parliamentarians, who are incapable of defending their jobs in the public arena and who capitulate. In the 41 years that I have been a member and a senator, we have tried any number of formulas, as farfetched as some of the reports that we have to table after each election in accordance with the law and that always showed us as receiving astronomical salaries, which we never agreed to. None of the recommendations of any of these committees has ever been implemented.

Then, in 2001, there was a formula that seemed acceptable. I do not have a research office; however, I did research, I listened and I learned that Mr. Martin had voted to increase salaries at that time. Then Mr. Valeri — I am not making this up — introduced a bill, saying that the Prime Minister had committed to returning to the status quo, to going back to the way it was, no more and no less.

[English]

I think Mr. Valeri must have been in deep trouble to be obliged to quote the *National Post*. I did not know that suddenly the *National Post* has become the Bible of the Liberals when they get stuck in a corner. I suppose Mr. Valeri was quite stuck to quote and praise the *National Post*, a paper that is not supposed to be the Bible. I personally am a fan of *The Globe and Mail*, but certainly not of the *National Post*. Absolutely, without a shadow of a doubt, I read *The Globe and Mail* faithfully because it is a good newspaper and I have no shares in it. I recommend all honourable senators to read at least that newspaper, and *Le Devoir* and *La Presse* for other reasons.

[Translation]

I have read all the speeches from the House of Commons. Do you realize, honourable senators, since we are having this bill dumped on us — no other word will do — as if it were just about a national emergency, that it was debated in the House of Commons? The only ones who voted against it, and that took some courage, were the Bloc — I feel obliged to identify with the courage of a party that is not, at least not yet, my own — and they fought against the hypocrisy of the process of absolute demagoguery that we witnessed in the House of Commons. Not only did they vote against the bill, but they also gave some speeches I would like Senator Murray and others to read. These are speeches that are worth reading because some of the Bloc's arguments are similar to those just used by the senator.

I would have liked our colleagues to take a little more time to read what went on in the other place and to see that the division was eventually held; the only strong opposition to this bill came from the Bloc Québécois and a few other MPs.

• (1500)

Two hundred and thirty-one MPs decided it was not reasonable to have a formula based on judges' salaries. There will never be a perfect formula. There was one that struck me as intelligent, adequate, acceptable and defensible, but for a small political gain, with the usual cowardly demagoguery, they bowed to public opinion. The public could not care less about MPs' and senators' salaries, since they will always feel they are too high anyway, particularly for senators. Whatever you do, you will never win



this debate. You must believe in your role and your right to be paid for it. It is not about personalities, it is about principles. René Lévesque said, "Don't talk to me about Prud'homme, that one would run even if there was no pay."

A formula was found, perhaps not the best one, but one that all the political parties could agree on. I am going back a few years. The whips all agreed. Mr. Blaikie, a person of faith, was the whip on the committee responsible for this decision and he was not one to spend public money for no reason. Mr. Reynolds, a gentleman, who was a Conservative MP also sat on the committee, as did Mr. Boudria and members of the Bloc. Everyone agreed to this formula to put an end, once and for all, to the debate every five, six, or seven years on the controversial salaries of members of Parliament and senators, as though we had to apologize for getting paid to work.

I do not understand the urgency. I very respectfully told the leader that I would not oppose the bill. I like to negotiate privately and report back intelligently what we can publicly. Certainly, any one of us could have said no today to the government and that would be the end of it. I am talking now to the nine new senators. You have more rights than you think.

[English]

Talking now to the new New Democratic Party and Progressive Conservative senators, we have more authority than they do in the House of Commons. Once in a while, we should exercise it. Any one of us could have said "no" today, and that would be the end of the desire of the government to send the bill right away to the Governor General, who must be impatiently waiting. If I knew that she was impatiently waiting, I would talk as long as I could and encourage members to talk longer, and I want to be on record as having said that. I do not like the way it is being put to us and the urgency with which it is being put to the Senate. I do not see the urgency, and I do not like the process. For the principle, if someone got up when we are asked to accept third reading, if there was another senator who, for the principle, wanted to force the government to reflect a little, I would certainly ask for a registered vote. I asked about someone else, and I should tell the new senators that we only need two senators to rise, to force a vote. Sometimes members talk a lot, but they try to escape being counted. If there is no vote, I want to be registered as saying that if there were a vote, I would vote against it. As well, when you call for a vote, make absolutely sure that it will be carried on division, and I want the words "on division" to appear in the record tomorrow.

**An Hon. Senator:** Question!

**Senator Cools:** I would like to direct a question to Senator Austin.

**The Hon. the Speaker pro tempore:** He is not the last speaker. I am sorry.

**Senator Cools:** He could be the last speaker if he closed debate.

**Senator Austin:** I do not close debate on third reading.

**The Hon. the Speaker pro tempore:** Are honourable senators ready for the question?

[ Senator Prud'homme ]

**Hon. Senators:** Question!

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Austin, seconded by the Honourable Senator Rompkey, that this bill be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Senator Prud'homme:** No.

**Senator Cools:** On division.

**The Hon. the Speaker pro tempore:** Those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** Those opposed to the motion will please say "nay."

**Senator Prud'homme:** Nay.

**The Hon. the Speaker pro tempore:** In my view, the "yeas" have it.

**Senator Cools:** On division.

Motion agreed to, on division, and bill read third time and passed.

## NATIONAL FINANCE

### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government)** moved:

That, pursuant to rule 95(3), the Standing Senate Committee on National Finance be empowered to meet on Monday, May 2, 2005, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

## CANADA ELECTIONS ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Mercer, for the second reading of Bill S-22, to amend the Canada Elections Act (mandatory voting).—(Honourable Senator Austin, P.C.)

**Hon. Catherine S. Callbeck:** Honourable senators, this bill stands in the name of Senator Austin, but I have agreement to speak today.

I am pleased on to take part in the debate on Bill S-22, to amend the Canada Elections Act. This bill will make voting in Canada compulsory for every citizen. It means that voting would be mandatory for all eligible Canadian voters.

I commend our colleague, Senator Harb, for introducing this measure. As he has correctly stated, our democracy depends upon the active participation of our citizens, and voting is the foundation of our democratic institutions. I strongly believe that all citizens have a responsibility to exercise their rights, one of which is the right to vote.

I also agree with Senator Harb that the decline in voting turnout rates is a concern. In the last federal election, barely six out of ten eligible voters cast their ballots. That means that the views and interests of a significant number of Canadians are not fully reflected in the choice of the people who represent them in Parliament.

There are a number of reasons for the decline in voter turnout: voter apathy and disinterest, a growing cynicism about the political process, the failure to engage people, especially young people in public affairs and a sense of alienation felt by many Canadians who are not full participants in the economic, social and cultural fabric of this country.

These are matters of concern to all those who care about the health of our democracy and the well-being of our democratic institutions. Democracy means people in action. If people do not act, then our democratic system is weakened.

In short, I share the concerns expressed by Senator Harb and others about the decline in voter turnout in Canada and elsewhere. According to the Stockholm-based International Institute for Democracy and Electoral Assistance, voter participation worldwide has steadily declined since the end of the Second World War. During the same period of time, however, the number of countries where democratic elections are taking place has increased.

• (1510)

Having said that, I do not support Bill S-22. While I recognize the importance of the right to vote and the need to increase the participation of people in the electoral system, I do not believe that voting should be made compulsory or mandatory. Compulsory voting is contrary to the most fundamental principles of a free society that represents individual rights and freedoms.

In fact, as has already been pointed out in this debate, the Charter of Rights and Freedoms, which makes provision for the right to vote, can also be interpreted as the right not to vote. One of the fundamental principles of democratic societies is the right of people to vote as well as the right of people not to vote. Every individual should have the freedom to choose, for whatever reason, whether to express a protest, dissent from the process, or express the simple lack of interest in politics as we know it.

I strongly believe that people should exercise their right to vote, but I do not believe that, in a democratic society, they should be forced to vote. Compelling people to vote against their will does nothing to enhance our democratic institutions. The concept of free elections encompasses the freedom to abstain from voting in much the same way that the concept of free speech encompasses the right to remain silent. True democracy means that people can choose to vote or to not vote. It is as simple as that, and that is the main reason I am opposed to this bill.

Aside from this objection in principle, there a number of practical reasons for not supporting Bill S-22. In a number of jurisdictions where compulsory voting has been implemented, the term is actually a misnomer. On entering the voting booth, a voter does not have to make a choice at all. The ballot can be left blank or it can be spoiled. The idea of compulsory voting in this case is little more than the obligation to turn up at the polls on election day.

A strong case can also be made for not only the right of voter participation but also for the quality of that participation. I agree that it is important that we have an involved electorate, and I would also affirm that it is equally important that we have an informed electorate.

Numerous studies of voting behaviour have consistently identified one common factor: There is a strong correlation between voter participation and the degree of interest and involvement in the political process. That suggests to me that we should be devoting more time and effort to involving and informing voters. That would increase not only the level of voter turnout but it would also result in a more informed, involved electorate.

As I said earlier, I do not believe that forcing people to vote or to turn out at the polls is the most effective way of ensuring that all people are being effectively engaged and involved.

It has always been clear that politics is about gaining support for ideas and actions. It is about informing people, getting them involved and securing their support and confidence. It is about getting them out to vote. That is one of the fundamental roles of political parties and of other groups and organizations that have a stake in electoral outcomes.

Democracy has been described as a free market of ideas. That means, if political parties are to succeed, they must compete for the hearts and minds of the people. It is the responsibility of political parties and others active in the electoral process to reach out and earn the support and confidence of voters and to strengthen their participation.

I believe that if political parties worked harder at communicating their messages, at mobilizing their supporters and at engaging people across the broad spectrum of society, we would see an increase in voter participation, and that would lead to a healthier, stronger political system.



As a Prince Edward Islander, I take some pride in the fact that the province has the highest voter turnout rates in all of Canada. In provincial elections there has been a consistent voter turnout rate of 80-90 per cent. Although that number is somewhat lower in federal elections, Prince Edward Island continually ranks among the highest in Canada in voter participation.

Some of that is due to its relative size, close relationships between people and their representatives, and a political culture that puts a strong value on voting. At the same time, it also reflects the efforts of political candidates to reach out to voters, to involve them and to actively seek their support. I recognize that the scale of politics in Prince Edward Island makes it easier to engage people than in larger ridings elsewhere across Canada, but that means that political parties must find new ways of connecting with people.

Voters need to be motivated. Political parties have an important challenge, opportunity and responsibility to actively encourage greater participation among citizens. They must utilize all the organizational skills and technologies at their disposal to reach out to voters and convince them that the act of voting is important.

Many other measures need to be taken to encourage greater interest and awareness in the political system. The education system can play an important role in introducing young people to the importance of participation in the political, economic, social and cultural life of their country. The media could do a better job in presenting a more balanced view of the issues that affect people's everyday lives. Our political institutions could do a better job of informing citizens about the roles and responsibilities of legislatures, the Senate and the House of Commons. Canadians from all walks of life must be challenged to consider the rights and responsibilities in helping to strengthen the spirit of participation in our democratic society.

Honourable senators, what I am saying is this: If we are truly serious about increasing the level of voter turnout in this country, then we should devote greater attention to resolving the underlying causes of voter apathy. We need to support and encourage the active participation and involvement of people in decisions that affect them. Only then will we have the full and free participation of people in the public affairs of their country.

Again, I commend Senator Harb for raising this issue. I fully agree with his goal to increase the level of voter participation. However, I cannot agree that making voting compulsory is the most effective means of achieving that goal. Only when people, of their own free will, consciously decide to exercise their fundamental rights and freedoms, will our political institutions thrive and flourish. Consent, not coercion, is the basis of our democratic society.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, before I ask that the motion for second reading be adjourned in my name, I should like to ask Senator Callbeck a question.

[ Senator Callbeck ]

I listened with great care to the comments of Senator Callbeck, and I find myself largely in agreement with them. However, I would like to see those comments in writing, so that I may give them further consideration, before I contribute to the debate.

The honourable senator has raised a number of points that indicate concern about the underlying reasons for lower voter participation. One way the Senate could engage in an analysis of that situation would be to refer the principle of this bill to committee for further discussion and analysis. Would the honourable senator agree to referring, at a minimum, the principle of this bill to committee so that the Senate could consider the aspect of voter participation?

**Senator Callbeck:** I thank the honourable senator for his question. Certainly, I would agree to that. This area requires an depth discussion to determine the underlying reasons for lack of voter participation.

**Senator Austin:** Honourable senators, I will pay close attention to the arguments that Senator Callbeck has made, with which I am mainly in agreement.

• (1520)

I give notice to honourable senators that when I address the Senate, I will propose that this motion be sent to committee so that the principle of this motion can be studied.

**Hon. Anne C. Cools:** Can I ask the honourable senator a question?

**Senator Callbeck:** Certainly.

**Senator Cools:** If Parliament can pass a law to force people to vote, it would seem to me that Parliament can pass a law to force people not to vote. Wherever a positive action can be proposed, so can the negative. Also, Parliament could pass a law saying who to vote for. Has the honourable senator thought about this? That is the first question.

My second question is in regard to voter participation, a rather large and important issue. It has a lot to do with failure of leadership because we are now in an era where leadership simply refers to people in certain high positions, quite often with no leadership ability.

Could the honourable senator respond to those two queries concerning voting and the scope of passing laws, as well as the phenomenon of failed, insufficient or inadequate leadership?

**Senator Callbeck:** As to what a legislature can pass, I guess it can pass anything, but here we are dealing with legislation to make voting mandatory or compulsory. I am saying that I do not agree with that.

There are many reasons why people are not voting. Certainly, there is voter apathy and discontent. There is growing cynicism about the political process. There are all kinds of reasons.

I agree with Senator Austin that it would be a good idea to send this matter to committee because I think it is an area that requires serious study and action.

**Senator Cools:** I am interested in this discussion because I am very concerned about voter attitude. My analysis of the social condition is that voter apathy is caused justified by what Canadians see daily on television about government.

**The Hon. the Speaker *pro tempore*:** I am sorry to interrupt, honourable senators, but Senator Callbeck's time has expired. Perhaps she would you care to hear this question, answer it and then debate can be adjourned.

**Senator Cools:** I will move the adjournment.

**Senator Stratton:** We have always allowed for an extension of time, but we put a fence around it. I suggest one last question from Senator Cools, and then I believe we go back to Senator Austin.

**Senator Austin:** I wanted to move the adjournment of the debate. I have no problem if there are further questions.

**Senator Cools:** I thought the honourable senator was yielding the floor.

I have concerns about coercion. I have spent my life working in the field of human behaviour and have seen the negative consequences of coercion. This government has passed a law for everything. Much of that has concerned me. I have a natural resistance to social engineering.

My question to the honourable senator was in respect to the current social and political climate, to the psychosocial dynamics in citizens' minds as they look at their representatives and at their government today. Does she not believe that their attitudes are justified based on what they see and hear? I am not saying their attitudes are correct or desirable. Does my honourable friend not believe or not agree that people are justified in the judgment that they have come to based on what they see daily?

Hundreds of thousands of Canadians are being forced daily into what the Americans call the underclasses. Most of these people no longer have the wherewithal or the skill to even comprehend what government is doing most of the time. We have created a monster. Does the honourable senator not believe that people's attitudes are a result of that, and that we should do the kind and quality of work that is required to overcome those problems? I say this as a political person who has never had much difficulty engaging the public or building public support.

**Senator Callbeck:** The decline in voter turnout is not just in Canada but all over. As I mentioned in my speech, the Stockholm-based International Institute for Democracy and Electoral Assistance has said that voter participation worldwide has declined since the end of the Second World War.

On motion of Senator Austin, debate adjourned.

[Translation]

## FISHERIES AND OCEANS

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF GOVERNMENT POLICY FOR MANAGING FISHERIES AND OCEANS PRESENTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Fisheries and Oceans (budget—study on managing Canada's fisheries and oceans—power to hire staff and travel), presented in the Senate on April 19, 2005.—(*Honourable Senator Comeau*)

**Hon. Gerald J. Comeau** moved the adoption of the report.

Motion agreed to and report adopted.

[English]

## AGRICULTURE AND FORESTRY

### BUDGET—REPORT OF COMMITTEE ON STUDY OF PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on the present state and the future of agriculture and forestry in Canada), presented in the Senate on April 19, 2005.—(*Honourable Senator Fairbairn, P.C.*)

**Hon. Catherine S. Callbeck**, for Senator Fairbairn, moved the adoption of the report.

Motion agreed to and report adopted.

## BANKING, TRADE AND COMMERCE

### BUDGET—REPORT OF COMMITTEE ON STUDY OF CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on consumer issues arising in the financial services sector), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

**Hon. Jeremiah S. Grafstein** moved the adoption of the report.

Motion agreed to and report adopted.

• (1530)

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF ISSUES DEALING WITH DEMOGRAPHIC CHANGE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on demographics—power to hire staff), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)



**Hon. Jeremiah S. Grafstein** moved the adoption of the report.

Motion agreed to and report adopted.

**BUDGET AND AUTHORIZATION TO TRAVEL—REPORT  
OF COMMITTEE ON STUDY OF DOMESTIC AND  
INTERNATIONAL FINANCIAL SYSTEM ADOPTED**

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on the present state of the domestic and international financial system—power to travel), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

**Hon. Jeremiah S. Grafstein** moved the adoption of the report.

Motion agreed to and report adopted.

**BUDGET AND AUTHORIZATION TO ENGAGE  
SERVICES—REPORT OF COMMITTEE ON STUDY OF  
ISSUES DEALING WITH INTERPROVINCIAL BARRIERS  
TO TRADE—ADOPTED**

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on interprovincial barriers to trade—power to hire staff), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

**Hon. Jeremiah S. Grafstein** moved the adoption of the report.

Motion agreed to and report adopted.

**BUDGET AND AUTHORIZATION TO ENGAGE  
SERVICES—REPORT OF COMMITTEE ON STUDY OF  
ISSUES DEALING WITH RATE OF  
PRODUCTIVITY—ADOPTED**

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on productivity—power to hire staff), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

**Hon. Jeremiah S. Grafstein** moved the adoption of the report.

Motion agreed to and report adopted.

[*Translation*]

**THE SENATE**

**RULES OF THE SENATE—MOTION TO CHANGE  
RULE 135—OATH OF ALLEGIANCE—  
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (*full name of the Senator*), do swear (*or solemnly affirm*) that I will be faithful and bear true allegiance to Canada.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Joseph A. Day:** Honourable senators, first, I want to thank Senator Lavigne, the sponsor of this bill, and congratulate him on this motion. It has resulted in an interesting discussion in the Senate.

[*English*]

I had the pleasure, honourable senators, of listening to all those who participated in this particular motion. I have found the remarks interesting and educational. I do not propose to analyze each of the remarks. I did take the opportunity to review each again, and a considerable number of honourable senators agree with the motion. Many agree with the sentiments of the motion that have been expressed, and some reservations were expressed as to being required to take this oath of allegiance to Canada. Others remarked on whether it is correct to require two oaths of allegiance.

Honourable senators, the motion has helped us to focus on the changing character and the changing nature of Canada, and, for that, I thank our Honourable Senator Lavigne for helping to point that out. It also helped to focus on the issue of swearing an oath of allegiance to Her Majesty, the Queen of Canada, what it means, and whether that is well understood by many, particularly new Canadians. We are bringing in 250,000 new Canadians a year. Are they able to understand the nuances of our Constitution of Canada and heritage? Honourable senators will want to continue to explain that, but we also want to be sensitive to those many new Canadians who might not understand fully our heritage.

That evolution of the mosaic that is Canada, its pluralism and changing nature can be reflected in the judicial process. We often see someone swearing on a Bible. At one time in Canada, it was swearing on the New Testament. Then we became more sensitive, and we had swearing on the Bible as a whole, the Holy Bible for Christians and Jews. Then we recognized that there were others in Canada, but we were not sensitive to their religion, so we expanded to allow for the holy book of different organized religions to be used in swearing. Finally, we evolved into allowing for an affirmation, or a statutory declaration, for those who do not follow an organized religion. I believe that is the evolution that Senator Lavigne was trying to get at with respect to swearing an oath of allegiance to Her Majesty, the Queen of Canada whether there is not some way that we could be sensitive to others who may not fully understand the wonderful and rich heritage encased in this expression, without taking away from that.

Senator Lavigne's motion was not to change our Constitution. He made that clear from the beginning. He indicated that he was looking for an opportunity of expression within our rules here in the Senate for those that wanted to express their deep love and affection for our country.

If one reads the motion, honourable senators, Senator Lavigne is proposing to add a section after 135 to our own Senate rules, as follows:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath ...

Some honourable senators raised a concern about being required, and the word "shall" rang out.

#### MOTION IN AMENDMENT

**Hon. Joseph A. Day:** I have had some discussions with Senator Lavigne, and I have an amendment that I will propose to honourable senators. I will have that circulated to each honourable senator. This amendment to the motion that I propose is as follows:

That the motion be amended by replacing, in the proposed rule 135.1, the word "shall", with the word "may."

Honourable senators, with that amendment, I believe we would have something reflective of the spirit of the motion of Senator Lavigne that also touches on that sensitivity that he is asking honourable senators to recognize.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

• (1540)

**Hon. Eymard G. Corbin:** I would like this opportunity to put a question to the mover of the motion, if he so agrees.

**Senator Day:** I would be pleased to attempt to answer the honourable senator's question.

**Senator Corbin:** Thank you, my New Brunswick colleague.

In the opinion of the honourable senator, since the amendment is aimed at amending an existing rule of the Senate that imposes an obligatory oath on the part of all of us, is it his opinion that the proposition is still a rule if it does not carry an obligation?

**Senator Day:** Part of the motivation for amending this motion was the result of reading the remarks of Senator Corbin and his strong recommendation that we not create an obligatory obligation on honourable senators.

As to whether it is my opinion that replacing the word "shall" with "may" means that taking the oath would not be a rule, I see

no reason why that rule could not be added to the *Rules of the Senate* to authorize honourable senators to take the oath if they wish to do so.

**Senator Corbin:** The honourable senator is providing an opportunity for those honourable senators who wish to serve this oath on themselves. That is fine. That is a reasonable explanation, I suppose.

**Hon. Anne C. Cools:** Would the honourable senator take another question?

**Senator Day:** Certainly.

**Senator Cools:** I listened with interest to his expression of concern for new Canadians who may not understand the constitutional system. If I may relate this back to Senator Callbeck's statement, maybe it is our duty to help them understand and to give them some tools.

My understanding of the proposal before us is that it is not of general application to the public at large or to new Canadians at large. My understanding is that this proposition only has application to senators.

Would the honourable senator explain his reasoning in terms of being sensitive to new Canadians and tell us how that applies to the few new senators who come through the Senate door each year?

**Senator Day:** By setting an example in our rules.

**Senator Cools:** What does "setting an example" mean?

**Senator Day:** Adding proposed rule 135.1 to the *Rules of the Senate* would show the outside world what the Senate feels would be an appropriate section in our rules to allow senators to take an oath if they wish to do so.

**Senator Cools:** I am bewildered, if not baffled. If the new Canadians of which the honourable senator speaks do not know anything of the Constitution of Canada, how on earth will they know of the *Rules of the Senate*?

**Senator Day:** Through the educational process that the honourable senator just spoke about.

**Senator Cools:** What educational process is that?

**Senator Day:** The one reflected on by Senator Callbeck.

**Senator Cools:** I engage with the public daily and answer many of these questions.

My understanding of the *Rules of the Senate* is that they are intended to guide proceedings in the Senate, that they are not intended to be tools available to the general public. My understanding is that this place is exclusive of "strangers."

**Senator Day:** I share the understanding of the honourable senator.



**Senator Cools:** My understanding, then, is that the rules of this place are not accessible to strangers in a parliamentary sense. I do not mean "strangers" in a colloquial sense but in a parliamentary sense.

**Senator Day:** The Honourable Senator Cools has been in the Senate for an extended period of time.

**Senator Cools:** Since 1984.

**Senator Day:** She has seen many new senators arriving and the many hundreds of people who are here at the time new senators arrive. Certain of those people, when they are here to see a new senator who elects to exercise the oath as outlined in this proposed rule, if the amendment is passed, will have an opportunity to see what goes on in the Senate.

**Senator Cools:** I am curious. I have been a member of this place for 21 years, and I do not see any new Canadians here. I see senators who were not born in this country, like myself, but I would not describe myself or them as new Canadians. I do not understand who the new Canadians are, who will be coming through these doors as senators. It is such a rare thing for anyone to become a senator. To the extent that any Canadian not born in Canada will be appointed to the Senate, I would say they will come well acquainted with this place.

I was not born in Canada, but I would be most disingenuous if I were to describe myself as a new Canadian. I could describe myself as an immigrant, but not as a new Canadian.

**The Hon. the Speaker *pro tempore*:** I am sorry, honourable senators, but time has expired.

**Senator Cools:** I am trying to get Senator Day to explain his premise. So often we hear appeals to all these poor new Canadians. New Canadians quite often are most vigorous —

**The Hon. the Speaker *pro tempore*:** Senator Day, did you wish to ask for extended time?

**Senator Day:** Honourable senators, I think we have dealt with this issue. I have taken the last five minutes of Senator Cools' comments as her speaking on the motion.

**Senator Cools:** No, Senator Day cannot do that. The rules do not permit him to do this, thank God.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I wish to speak on this amendment.

**Senator Cools:** So do I.

**Senator Austin:** I support the amendment. I believe it is appropriate that the word "shall" should be removed and the word "may" included. I believe that to be the case because the Constitution provides for an oath of allegiance and does so specifically. Therefore, it is not available to us in this chamber to

substitute or add to the prescribed oath of allegiance. Replacing the word "shall" with the word "may" permits senators who wish to take an oath of allegiance to Canada to do so, but it does not require them to do so.

• (1550)

On the issue of senators taking an oath of allegiance to Canada in the form of the amendment proposed, I do not read that as being limited to senators who come to this chamber after this rule comes into force. Once the rule comes into force, it would apply to all senators. I, or any senator, regardless of how long that senator has been here — and I have been here the longest — could take this oath, should we choose to do so.

I believe that many Canadians would like to affirm their allegiance to Canada, and that derogates not one bit from the oath of allegiance to Her Majesty.

I do want to associate myself with the earlier statement of Senator Cools regarding Her Majesty's seventy-ninth birthday; and to wish her long life and good health.

Honourable senators, I would move that this motion be sent to the Standing Committee on Rules, Procedures and the Rights of Parliament so that the committee can consider the drafting and other issues. I would advise the chamber that Senator Joyal would like to participate at the Rules Committee, of which he is a member, in a discussion, not as to the principle of this oath, but on some other issues, one of which relates to the use of the word "allegiance." He takes no particular negative position at the moment; he merely wants to examine the constitutional use of that word.

I do not want to cut off further debate. I recognize that the amendment must be put to a vote. However, I would give notice that I will move to refer the motion to the Rules Committee at the appropriate time.

**Senator Cools:** Honourable senators, I had wanted to speak to the amendment to the main motion.

**The Hon. the Speaker *pro tempore*:** Senator Cools, rule 59 provides that notice is not required for an amendment, or an amendment to an amendment, to the question.

**Senator Cools:** What are you talking about?

**The Hon. the Speaker *pro tempore*:** In order to refer the question to the committee, no notice is required.

**Senator Cools:** What is she talking about?

**The Hon. the Speaker *pro tempore*:** I understand from the clerk that —

**Senator Cools:** I was not asking —

**The Hon. the Speaker *pro tempore*:** May I finish what I am saying, Senator Cools?

**Senator Cools:** I did not ask you for a ruling.

**The Hon. the Speaker pro tempore:** Rule 59 permits Senator Austin —

**Senator Cools:** That was not questioned.

**The Hon. the Speaker pro tempore:** — to refer his motion to the committee.

**Senator Cools:** That is not in doubt, Your Honour. I just wanted to be able to speak to the issue here. I wanted to move the adjournment because I wanted to speak to it before it went to committee so that my remarks could constitute part of the reference to the committee, just like everyone else's remarks.

**Senator Corbin:** Honourable senators, before I pose my question, I would thank the leader him for moving that the matter be referred to committee, I will view it as a duty to attend the deliberations of the committee.

The difficulty I would have and always have had with taking this an oath, is that I am already bound by the constitutional oath. I do not think that by piling oath upon oath one will be more loyal. I believe that the proper road to have followed in this instance is that, instead of calling it an oath, it should have been called a declaration of allegiance. That is wherein my fundamental difficulty lies.

Does the Honourable Senator Austin have a view on that? I would be the first to make a declaration of loyalty to my country, even though I was born here and, over the years, my people fought for this country.

**Senator Austin:** Honourable senators, I, too, was born here and my people have fought for this country as well.

I recognize the point made by Senator Corbin. I believe the best way to proceed, if I may make this suggestion to the chamber, is to vote on the proposed amendment and then, if Senator Cools wishes to adjourn the debate, I personally would have no objection to hearing her in the next few days. I would then move that all the questions raised be dealt with, as is most proper, at the committee.

**The Hon. the Speaker pro tempore:** Honourable Senator Austin, you have put a question before this chamber. Do you wish to withdraw your question, so that we may vote on the amendment?

**Senator Austin:** Yes, Your Honour, I do.

**The Hon. the Speaker pro tempore:** Is leave granted that the question of the Honourable Senator Austin be withdrawn?

**Hon. Senators:** Agreed.

**Senator Cools:** I wish to move the adjournment so that I may speak to the amendment before it is voted on; otherwise I would not be speaking to the amendment.

**The Hon. the Speaker pro tempore:** Senator Cools.

**Senator Cools:** I said that I would like to move the adjournment. I moved it a little while ago.

**Senator Stratton:** Just move the adjournment.

**Senator Cools:** I would like to speak on the proposal put forth by Senator Day.

On motion of Senator Cools, debate adjourned.

## INEQUITIES OF VETERANS INDEPENDENCE PROGRAM

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the present inequities of the Veterans Independence Program.—(*Honourable Senator Day*)

**Hon. Joseph A. Day:** Honourable senators, time is running out in this particular matter. I would begin by asking that we keep this inquiry on the Order Paper, because I believe that it is worthy of discussion.

I am pleased to participate in the debate on this inquiry concerning the inequities of the Veterans Independence Program of the Department of Veterans Affairs. This inquiry was set down by the Honourable Senator Callbeck and I would commend her for bringing this matter to our attention. I have had the opportunity to review many of the discussions on this matter, so perhaps I could remind honourable senators of some of the issues that have been raised.

The Veterans Independence Program, VIP, was designed to assist World War II veterans to remain in the healthy and independent environment of their own homes in their own communities rather than being confined to institutions. Each service that a veteran receives under the Veteran Independence Program is based on his or her particular circumstances and health needs.

• (1600)

On December 7, 2004, the Honourable Albina Guarnieri, Minister of Veterans Affairs, announced plans to extend the Veterans Independence Program to housekeeping and ground maintenance services for life for approximately 4,000 additional primary caregivers of veterans. That is not the veterans themselves, but those who give care and assistance to veterans.

This announcement benefits the primary caregivers, including eligible spouses and common-law partners and, indeed, it could be friends who are living with the veteran, of all veterans who are in receipt of the Veterans Independence Program services in every year since the program began in 1981. The program was retroactive — a word we hear quite often these days — to assist all of the dependent caregivers of veterans. This was urged upon the minister and the Department of Veterans Affairs by our committee. We are pleased that the minister saw fit to do this and was, in fact, able to make the announcement.



On previous occasions, my honourable colleague Senator Meighen, Chair of our Committee on Veterans Affairs, has expressed his approval of these changes. However, he raised an issue which had been brought to the attention of our committee, and there were spouses and caregivers who did not qualify for the program. Those people, as Senator Meighen outlined, were the spouses or caregivers of veterans who had not, for whatever reason, asked to be included in the program and were not in the program at the time of the death of the veteran for whom they were caring.

Honourable senators can imagine that some of those individuals did not ask because the caregiver was in good health and was able to provide care without any assistance. Perhaps the veteran was too proud to ask for assistance.

We called upon the minister to consider the inclusion of those individuals in this program. I applaud my colleagues' enthusiasm for supporting the initial expansion of the program.

I have given considerable thought to the suggestion Senator Meighen made here a few weeks ago when speaking to this inquiry. The conclusion I have reached is that programs such as the Veterans Independence Program were created to assist our returning veterans from the Second World War. As time went on, the government extended a number of these benefits to wives and spouses of those veterans who were in need, and I applaud that. We are now discussing the extension of benefits to people who have no direct connection with an existing program, people who were not veterans themselves and who were not dependent on the program because their spouses were receiving assistance under the program.

If a veteran, who was being cared for by these spouses or caregivers, did not apply for these benefits, we have to ask ourselves whether it is logical for the people who cared for the veteran to apply for benefits in their names after the veteran is deceased? Alternatively, are we asking Veterans Affairs to enter into another policy area that is the domain of another government department? The question is one of either balancing a need or deciding which department should provide that support. We are not suggesting that these individuals do not need help, the question is whether that help should come from a program of Veterans Affairs. This is the central question of the debate in this discussion and in many debates concerning the continuing role of Veterans Affairs Canada.

We must recognize that a line must be drawn somewhere and decide where that should be. If we support non-veterans then there some veterans may not receive the type of support that we would like to be able to give them because Veterans Affairs has created programs to support non-veterans.

It is my belief that the individuals who require further assistance in situations that I have just described should explore their available options with other government departments and agencies. I would remind honourable senators that Veterans Affairs Canada has a variety of programs designed to assist veterans and that the department fulfills its obligations with a limited budget.

I have been advised by the Royal Canadian Legion that they are currently advocating for a national program of the type that we have just described for VIP that would address the concerns raised by our subcommittee and Senator Meighen. However, the Royal Canadian Legion understands that this program would have to be developed under another portfolio, in combination with various provincial government departments, as opposed to coming out of the limited budget of Veterans Affairs.

To conclude, honourable senators, I believe that the Veterans Independence Program is a good program and that it has been substantially improved with the announcement of the expansion which was made by the Minister of Veterans Affairs, at our urging and the urging of others. The changes announced by the minister will remedy a valid concern over the criterion for dependent caregivers' eligibility. I invite all honourable senators to join with me in applauding the minister's efforts in that regard. Her commitment to those who have served our country is commendable.

I would also take this opportunity to congratulate the minister for introducing Bill C-45, which will, undoubtedly, commonly be referred to as the new veterans charter. Honourable senators, this was just introduced. I have not had an opportunity to study it fully, although we have had some briefings from the minister, but my understanding is that it will deal with the broader definition of veterans, not just Second World War veterans but the broader definition to include retired RCMP and retired military personnel.

As honourable senators know, members of the Canadian Forces are frequently placed in harm's way during the course of their careers. As a result of career demands, they often experience exceptional stress within their families. As their careers with the Canadian Forces come to an end, many face considerable transition issues when returning to civilian life, and find themselves unemployed as a result of an injury or disability.

The comprehensive legislation package from Veterans Affairs Canada will address many issues facing the new generation of Canadian Forces veterans, including, for example, physical and psychological rehabilitation services, earnings support for veterans undergoing rehabilitation, as well as longer-term support for veterans who can no longer work because of service-related illness or injury, and more extensive health benefits to meet the needs of veterans and their families.

Honourable senators, I understand that our new senator, Senator Roméo Dallaire, in his prior work before being appointed to the Senate, had an opportunity to work on this veterans charter extensively, and had a great deal of input. I applaud the Leader of the Government in the Senate for inviting Senator Dallaire to be the sponsor of this bill in the Senate. We look forward to a more fulsome discussion of the bill when it is introduced.

I look forward to reviewing, in detail, the vision proposed by Veterans Affairs, and I hope we will have the opportunity to support this initiative when it comes to this place for discussion.

On motion of Senator Rompkey, debate adjourned.

• (1610)

[Translation]

# ROYAL ASSENT

The Hon. the Speaker *pro tempore* informed the Senate that the following communication had been received:

RIDEAU HALL

April 21, 2005

Mr. Speaker,

I have the honour to inform you that the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 21st day of April, 2005 at 3:33 p.m.

Yours sincerely,

Curtis Barlow

*Deputy Secretary, Policy, Program and Protocol*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills Assented to Thursday, April 21, 2005:

An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act (*Bill C-8, Chapter 15, 2005*)

An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts (*Bill C-30, Chapter 16, 2005*)

[English]

# ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 3, 2005, at 2 p.m.

**The Hon. the Speaker *pro tempore*:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 3, 2005, at 2 p.m.



# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, April 21, 2005

(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0	05/04/20		

### GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-3	Bill, C-3, An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21	05/04/14	Transport and Communications					
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance	05/04/14	0	05/04/19	05/04/21*	15/05
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology	05/04/12	2	05/04/14		
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce	05/04/12	2	05/04/14		
C-30	An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts	05/04/13	05/04/14	National Finance	05/04/21	0	05/04/21	05/04/21*	16/05
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07	05/04/20	National Finance					
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 2, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 3, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 4, 2004-2005</i> )	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 ( <i>Appropriation Act No. 1, 2005-2006</i> )	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-6	An Act to amend the Canada Transportation Act (turning rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs	05/04/12	2 observations			
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10	05/03/23	Banking, Trade and Commerce					
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17	05/04/19	Legal and Constitutional Affairs					

# CONTENTS

Thursday, April 21, 2005

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>			
Parkinson's Disease Awareness Month		Situation in Sudan and Role of Canada's Special Envoy	
Hon. Serge Joyal	1098	Notice of Inquiry.	
Hon. P. Michael Pitfield		Hon. Mobina S. B. Jaffer	1102
Congratulations on Becoming Honorary Chair of Parkinson Society Canada.		Efficacy of Government in Implementing Kyoto Protocol	
Hon. Serge Joyal	1098	Notice of Inquiry.	
Foreign Affairs		Hon. A. Raynell Andreychuk	1102
China—Respect of Rights of Tibetans.			
Hon. Consiglio Di Nino	1098	<b>QUESTION PERIOD</b>	
National Organ and Tissue Donor Awareness Week		The Environment	
Hon. Catherine S. Callbeck	1098	Kyoto Protocol—Plan of Compliance.	
For Majesty Queen Elizabeth II		Hon. Terry Stratton	1102
Congratulations on Seventy-Ninth Birthday.		Hon. Jack Austin	1103
Hon. Anne C. Cools	1099	International Trade	
Charter of Rights and Freedoms		Bovine Spongiform Encephalopathy—Closure of Border to Canadian Cattle—Intervenor Status in Montana Court Case.	
Tenth Anniversary of Proclamation of Section 15.		Hon. Leonard J. Gustafson	1103
Hon. Shirley Maheu	1099	Hon. Jack Austin	1103
Brazil		Prime Minister	
International Conference Entitled Advancing Racial Equity.		Position of Mr. Maurice Strong as Unofficial Advisor.	
Hon. Donald H. Oliver	1099	Hon. David Tkachuk	1104
Hon. Benedict XVI		Hon. Jack Austin	1104
Hon. Jeremiah S. Grafstein	1100	Natural Resources	
		Nova Scotia and Newfoundland and Labrador—Splitting of Revenue-Sharing Agreement on Offshore Oil Revenues from Budget Implementation Bill.	
		Hon. Ethel Cochrane	1104
		Hon. Jack Austin	1104
<b>ROUTINE PROCEEDINGS</b>			
Official Visits		Health	
Republic of Trinidad and Tobago, Uruguay, Republic of Indonesia—Reports Tabled.		Test Kits Containing Mislabeled Strains of Influenza.	
Hon. Daniel Hays	1100	Hon. Wilbert J. Keon	1105
Parliament of Canada Act		Hon. Jack Austin	1105
Salaries Act (Bill C-30)		Transport	
Bill to Amend—Report of Committee.		Test Kits Containing Mislabeled Strains of Influenza—Movement and Handling of Deadly Viruses.	
Hon. Donald H. Oliver	1100	Hon. Wilbert J. Keon	1105
Hon. Jack Austin	1101	Hon. Jack Austin	1105
Hon. Anne C. Cools	1101	Delayed Answer to Oral Question	
Official Languages		Hon. Bill Rompkey	1106
Budget and Authorization to Travel—Report of Committee		Veterans Affairs	
Study of Application of Official Languages Act and Relevant Regulations, Directives and Reports Presented.		Denial of Annuities—Case of Clifton Wenzel.	
Hon. Eymard G. Corbin	1101	Question by Senator Meighen.	
Internal Economy, Budgets and Administration		Hon. Bill Rompkey (Delayed Answer)	1106
Fourth Report of Committee Presented.			
Hon. George J. Furey	1102	<b>ORDERS OF THE DAY</b>	
National Finance		Parliament of Canada Act	
Notice of Motion to Authorize Committee to Meet During Adjournment of the Senate.		Salaries Act (Bill C-30)	
Hon. Bill Rompkey	1102	Bill to Amend—Third Reading.	
Conference on Women's Rights		Hon. Jack Austin	1106
Notice of Inquiry.		Hon. Anne C. Cools	1106
Hon. Rose-Marie Losier-Cool	1102	Hon. Lowell Murray	1108
		Hon. Marcel Prud'homme	1109



	PAGE
<b>National Finance</b>	
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. Bill Rompkey, . . . . .	1110
<b>Canada Elections Act (Bill S-22)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Catherine S. Callbeck, . . . . .	1110
Hon. Jack Austin, . . . . .	1112
Hon. Anne C. Cools, . . . . .	1112
<b>Fisheries and Oceans</b>	
Budget and Authorization to Engage Services and Travel— Report of Committee on Study of Government Policy for Managing Fisheries and Oceans Presented.	
Hon. Gerald J. Comeau, . . . . .	1113
<b>Agriculture and Forestry</b>	
Budget—Report of Committee on Study of Present State and Future of Agriculture and Forestry Adopted.	
Hon. Catherine S. Callbeck, . . . . .	1113
<b>Banking, Trade and Commerce</b>	
Budget—Report of Committee on Study of Consumer Issues Arising in Financial Services Sector Adopted.	
Hon. Jeremiah S. Grafstein, . . . . .	1113
Budget and Authorization to Engage Services— Report of Committee on Study of Issues Dealing with Demographic Change Adopted.	
Hon. Jeremiah S. Grafstein, . . . . .	1114

	PAGE
Budget and Authorization to Travel—Report of Committee on Study of Domestic and International Financial System Adopted.	
Hon. Jeremiah S. Grafstein, . . . . .	1114
Budget and Authorization to Engage Services— Report of Committee on Study of Issues Dealing with Interprovincial Barriers to Trade—Adopted.	
Hon. Jeremiah S. Grafstein, . . . . .	1114
Budget and Authorization to Engage Services— Report of Committee on Study of Issues Dealing with Rate of Productivity—Adopted.	
Hon. Jeremiah S. Grafstein, . . . . .	1114
<b>The Senate</b>	
Rules of the Senate—Motion to Change Rule 135— Oath of Allegiance—Debate Continued.	
Hon. Joseph A. Day, . . . . .	1114
Motion in Amendment.	
Hon. Joseph A. Day, . . . . .	1115
Hon. Eymard G. Corbin, . . . . .	1115
Hon. Anne C. Cools, . . . . .	1115
Hon. Jack Austin, . . . . .	1116
<b>Inequities of Veterans Independence Program</b>	
Inquiry—Debate Continued.	
Hon. Joseph A. Day, . . . . .	1117
<b>Royal Assent</b> . . . . .	1119
<b>Adjournment</b>	
Hon. Bill Rompkey, . . . . .	1119
<b>Progress of Legislation</b> . . . . .	i







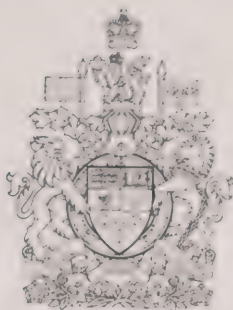






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CANADA

# Debates of the Senate

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38th PARLIAMENT

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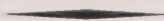
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NUMBER 54

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, May 3, 2005**



THE HONOURABLE DANIEL HAYS  
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry,  
and Senators serving on Standing, Special and Joint Committees.



## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, May 3, 2005

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### CANADA BOOK DAY

**Hon. Joyce Fairbairn:** Honourable senators, for the past 10 years, I have been drawing the attention of this chamber to a special occasion that unfortunately passed us by because of other important issues prior to our last break.

April 23 was Canada Book Day, a day that celebrates four objectives across this country: first, the significant role of literature in Canada's past, present and future; second, the importance of reading among our young people, particularly in our schools; third, the international success of Canadian literature and our heroes; and fourth, the promotion of Canadian books and the people who write them. In doing so, it also underlines the fundamental importance of literacy and lifelong learning in this country, without which a Canada Book Day would be a sad day indeed.

The slogan of the day always is "give a book to a friend." My special friend is one who will leave us soon. For many years, Senator John Lynch-Staunton and I have worked together as senators and in opposition to each other as leaders, but we have managed to find common cause on this and many other issues. Today, I have three books to give this fine friend.

Although our colleague is from the Eastern Townships of Quebec, part of the Lynch-Staunton clan lives and ranches in a most beautiful part of Canada, the foothills of the Rockies near Pincher Creek in the southwest corner of Alberta where the wind blows and the cattle roam. One of our nation's literary icons is a true mountain man, a rancher, a storyteller, a writer — the great Andy Russell. One gift today is called *Wild Country — the best of Andy Russell*.

The next is *The Red Coats of the Prairies*, a remarkable factual account of the Northwest Mounted Police from 1886 to 1900, written by Bill Beahen and Stan Horrall, who consecutively held the title of Royal Canadian Mounted Police Historian over the last three and one-half decades. This is the real stuff.

The final offer may not be my friend's favourite "read." It is a book edited by Nancy Southam and written by colleagues and associates and friends of a rather interesting political figure in modern Canadian history. It is simply called *Pierre*. Because Senator Lynch-Staunton has added to my collection with a rollicking account of the early presidency of George W. Bush, I wanted to add this former Prime Minister, my friend and employer for so many years, to his bookcase.

I will truly miss you, Senator Lynch-Staunton. This is one day of the year that will always be remembered no matter where you are.

**Hon. John Lynch-Staunton:** Honourable senators, I am not ready for a farewell speech yet. I do not have Senator Fairbairn's background, but I do know of her extraordinary work on behalf of literacy in Canada, one of those concerns which not enough of us share. Fortunately, there are enough people like her to draw them to our attention and to fight the good fight.

It was hard enough for me to find something in return for Senator Fairbairn's thoughtfulness, but thanks to Senator Kinsella, I think I have something appropriate. It is not a recent publication. It was published in November 1987 by the then Canadian Advisory Council on the Status of Women. I think it was on the right track, at least today, with Senator Fairbairn being very active in the Senate, a former Leader of the Government and chair of a number of committees, now chair of two committees, including the Agriculture Committee. This book is appropriate because it tells the story of farm women in Canada, unsung women who toiled on the farms. It is called *Growing Strong: Women in Agriculture*. I have no doubt that, in the second edition, Senator Fairbairn's name will be included.

Senator Fairbairn, please enjoy this book with all my affection and respect.

### THE CHARTER OF RIGHTS AND FREEDOMS

#### TWENTIETH ANNIVERSARY OF PROCLAMATION OF SECTION 15

**Hon. Serge Joyal:** Honourable senators, April of this year marked the twentieth anniversary of the coming into force of section 15 of the Canadian Charter of Rights and Freedoms on the guarantee of equality rights. The implementation of section 15 occurred three years later than the passage of the Charter itself in 1982. This delay was to allow both the provincial and federal governments the time necessary to adapt the legislation to the substance of section 15. Now is an appropriate time to reflect on the impact that section 15 has had on the lives of Canadians.

There is no equivalent or analogous provision to the equality guarantees of section 15 in the various human rights acts in place across the country. It does not exist either with the same substance in European human rights acts or in the American Bill of Rights.

An important contribution to the development of section 15 by the special committee that studied the draft of the Charter in 1980, which I co-chaired with the late Senator Harry Hays, was the enlargement of the ambit of its protection. The committee introduced important amendments to the original draft. What emerged was a section 15 with a definition of equality rights that is unique to the Canadian Charter in three distinct ways. First, rights are extended to "every individual" — in other words, to any human person, as opposed to rights restricted to those who are citizens; second, not only is every individual equal before the law,

but every individual is also entitled to the equal benefit of the law; and third, the prohibited grounds of discrimination enumerated in section 15 are largely illustrative. They are not intended to be exclusive in any way.

During the special committee hearings, members expressed a desire to add to the list of the prohibited grounds. For example, David Crombie, a member of the Progressive Conservative Party, added "mental or physical disability" to the list of enumerated grounds. Svend Robinson, a member of the NDP, proposed to add four other grounds, among them "sexual orientation," a position I also personally supported.

• (1410)

A debate followed among the committee members about their shared concern with ensuring that section 15 would encompass as wide an area as possible to adequately protect all minorities. In the end, an argument prevailed that led the way to a solution as to the best approach to the challenge faced by the committee. We concluded that it would be presumptuous and too risky to try to list every protected ground in a comprehensive way. As society inevitably evolves, grounds of discrimination acceptable at one time often become unacceptable at a later date. This led to the idea that the enumeration of prohibited grounds should be used as a guiding list so that it could change and expand with time. That is why the words "in particular" were added, to allow for the dynamic and evolving interpretation of section 15.

This is exactly how the courts have understood and interpreted section 15. Since 1985, 46 different cases have been appealed to the Supreme Court. Of those, 11 were accepted by the court for final determination. Among the more important decisions were cases dealing with the exclusion of non-citizens from the benefit of the law, discriminatory access to unemployment benefits on the basis of age, the use of marital status with respect to insurance, discriminatory practices based on sexual orientation, and the denial to off-reserve Aboriginals to participate in band governance.

I will have to conclude at this point in time.

### THE LATE CHRISTINA MCCALL

**Hon. Jeremiah S. Grafstein:** Honourable senators, I rise to pay tribute to the late Christina McCall.

If I had a favourite saint, it would be the Apostle St. Thomas, the eternal skeptic, who questioned and doubted the conventional wisdom of his peers and raised questions about the very nature of the human condition.

For me, it could not have been more appropriate that Christina McCall's funeral service be held at Saint Thomas's Anglican Church in the heart of old Toronto, for she was, as all great journalists are, a creative skeptic.

Great writers, like candles, illuminate the darkness enveloping the human condition. The writer's art is to pull together disparate

threads and weave them into an authentic, vibrant story, making sense of what apparently is senseless. So it was with Christina McCall.

To those who treasure the written word, Christina was herself a treasure. Breathtakingly beautiful, she carried herself with effortless grace and looked the part of the elegant Rosedale matron that she was. Yet beneath this elegant veneer was a vulnerable, restless, energetic, insightfully brilliant writer. She had a deep, velvety, smokey voice and dark, melancholy eyes. Christina spoke purposely, quietly and slowly. It was always difficult to concentrate on the subject at hand because of the charm she exuded. She was admired by women and men alike, and entranced and enchanted all who came to know her. My mother taught me that a lady wore a hat and gloves. Christina did, and she was. She wrote as beautifully as she looked. Because of her own complex personal experiences, she could parse the complex passions and contradictions at play and that were displayed within the body politic. For her, there was never a glass ceiling.

Christina became a leading political chronicler of her time, on par with Bruce Hutchison, Bill Wilson, Pierre Berton, Blair Fraser, Charles Lynch, Doug Fisher, Peter Worthington, Geoff Stevens, Tony Westell, Richard Gwyn, Jeffrey Simpson, Lawrence Martin, and her one-time husband, Peter Newman, and at times she outshone all of them with her luminous prose and exquisite insights.

As a writer and journalist, she was meticulous in her preparations. She always came prepared with research and notes that she took copiously. She would pause to reread her notes and relaunch her enquiries. Christina could penetrate to the essence with soft, rapier-like questions, always touching the inner core of any subject she was exploring under the prism of her own personal microscope.

She was the very model of journalist and writer and we will not likely meet her equal again. While she wrote of the foibles and the failures of politics, she never ever tarnished its noble purpose.

To capture the metaphor she wrote of Pierre Trudeau, her beauty and brilliance "haunts us still." With her passing, the still unlimned political anatomy of our country is darker and dimmer because her bright light was so prematurely extinguished.

To her three beautiful, loving daughters and her husband Stephen, we can only share a portion of their pain of her passage and the marvellous remembrance of glowing moments passed. Her own words, lustrous words, will forever carve a lasting memorial to her memory.

Christina.

Your work well done!

Your battles won!

Now come to rest.



## NATIONAL PALLIATIVE CARE WEEK

**Hon. Sharon Carstairs:** Honourable senators, on Sunday, with Hikes for Hospice and Palliative Care at 100 sites across the country, National Palliative Care Week began. This is the third year for the hike. The first year I walked in Winnipeg and it rained. The second year I walked in Ottawa and it rained. Last Sunday I walked in Halifax and it poured. Perhaps it is me who brings the rain to the thousands of Canadians who put personal plans aside to walk for a cause that is so very important to them.

Quality end-of-life care for the dying is an issue that touches Canadians from coast to coast to coast. Many have tried in vain to get the services that they need, but the reality is that 80 per cent of Canadians who are dying still do not get the service they deserve and need. It is getting better, but much still needs to be done.

I would like to thank our Speaker for the breakfast he hosted on Monday, and to Senators Mercer and Trenholme Counsell, who joined with us. Together, honourable senators, we can make a difference, and make the lives of those dying and their families better.

[Translation]

## NATIONAL DEFENCE

### OPERATION ATHENA—CEREMONY HONOURING SOLDIERS WHO SERVED IN AFGHANISTAN

**Hon. Lucie Pépin:** Honourable senators, on April 15, I was privileged to take part in the medal award ceremony for Operation Athena held at the Centre des Congrès de Québec. More than 1,200 soldiers from CFB Valcartier, who had served in Afghanistan during 2004, were decorated at that time.

A ceremony on such a large scale is a moving experience. The efforts of the soldiers receiving medals were applauded by their families and the numerous invited guests. I had the honour of presenting the Athena Campaign Star to several members of the Royal 22nd Regiment. I could see in their eyes the satisfaction of a mission well done, and the pride of having served our country so bravely abroad.

A number of civilians were decorated with the General Service Medal for service as Operation Athena support staff. The work of these men and women is often forgotten, so I was pleased to see it being recognized at full value.

The ceremony also provided military families with an opportunity to see their own personal heroes honoured. The joy felt by the wives after so many months apart, and of the children seeing their fathers again after so long, was equaled only by their pride in seeing them officially decorated by the Canadian Forces.

I was very pleased with the speech given by General Hillier in which he acknowledged the essential contribution of military wives to Operation Athena. He reminded us that the soldiers could not have accomplished their mission abroad without the knowledge that the home front was in good hands.

During the ceremony, I noted that several young women had small babies in their arms, babies that had been born while their fathers were in Afghanistan. These new mothers demonstrated remarkable courage in a very tough situation. All of these women are unsung heroes, but heroes just as much as their decorated husbands.

Honourable senators, I once again encourage you to take advantage of every opportunity to show your appreciation of our Canadian military personnel and their families. There are often opportunities in everyday life, far less spectacular than the April 15 ceremony was, but effective nevertheless, to show how much we appreciate them.

[English]

## ROUTINE PROCEEDINGS

### BUDGET IMPLEMENTATION BILL, 2004, NO. 2

#### REPORT OF COMMITTEE

**Hon. Joseph A. Day,** Deputy Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, May 3, 2005

The Standing Senate Committee on National Finance has the honour to present its

#### NINTH REPORT

Your Committee, which was referred Bill C-33, A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004, has in obedience to the Order of Reference of Wednesday, April 20, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY  
*Deputy Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1420)

### CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

#### PARTNERSHIP DAY AND MEETINGS WITH U.S. LEGISLATORS, MARCH 1-2, 2005—REPORT TABLED

**Hon. Jeremiah S. Grafstein:** Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the

Canada-U.S. Inter-Parliamentary Group respecting its participation at the Canada-U.S. Partnership Day and meetings with U.S. legislators in Washington, D.C., from March 1 to 2, 2005.

#### CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF STANDING COMMITTEE OF  
PARLIAMENTARIANS OF ARCTIC REGION,  
FEBRUARY 28-MARCH 2, 2005—REPORT TABLED

**Hon. Lorna Milne:** Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the meeting of the Standing Committee of Parliamentarians of the Arctic Region held in Washington, D.C., from February 28 to March 2, 2005.

#### FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO MEET DURING SITTING OF THE SENATE

**Hon. Peter A. Stollery:** Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:30 p.m. on Wednesday, May 11, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

#### CHANGES TO BUDGET 2005

NOTICE OF INQUIRY

**Hon. Gerald J. Comeau:** Honourable senators, I give notice that, on Thursday, May 5, 2005:

I will call the attention of the Senate to the NDP budget announced in the media by the Prime Minister on April 26, 2005; the ruination and destruction of the Liberal budget; the compromised integrity of the Minister of Finance whose previous position was that such measures were fiscally irresponsible; and the irresponsibility of the Liberal government in attempting to shore up its fading support through reckless new spending announcements.

#### PROVINCE OF ALBERTA

NOTICE OF INQUIRY

**Hon. Grant Mitchell:** Honourable senators, pursuant to rules 56 and 57(2), I hereby give notice that Thursday next, May 5, 2005:

I will call the attention of the Senate to the Province of Alberta and the role it plays in Canada.

[English]

### QUESTION PERIOD

#### FOREIGN AFFAIRS

GERMANY—NEW EMBASSY

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, last Friday, the Canadian embassy in Germany opened its doors at its new location in the City of Berlin at Leipziger Platz.

Was the Minister of Foreign Affairs present at the ceremonial opening of this new embassy? If not, why not?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I understand that Senator Kinsella was in attendance, so he may be able to tell us whether the Minister of Foreign Affairs was there.

I do not have the answer to the second part of Senator Kinsella's question.

**Senator Kinsella:** Honourable senators, I was not there, but had I been the Minister of Foreign Affairs, and had there been this opening of the new Canadian embassy, which is the costliest embassy ever built by the Government of Canada —

**Senator St. Germain:** How much?

**Senator Kinsella:** It cost \$180 million, far exceeding the cost of the new Canadian embassy in Washington.

**Some Hon. Senators:** Shame!

**Some Hon. Senators:** Oh, oh!

**Senator Kinsella:** That which should have been cause for celebration is, unfortunately, cause for concern for Canadian taxpayers.

The new embassy was built in public-private partnership with Hannover Leasing Group. By the time it opened on Friday, the cost of this architectural masterpiece was some \$180 million. Canadian taxpayers assumed the cost of \$102 million, while the Hannover Leasing Group paid the remainder. Under the terms of the public-private partnership, half of the site will be allotted to commercial and retail interests, including exclusive apartments. The site will be administered by the Hannover Leasing Group for 35 years before property rights are returned to the Canadian government.

As honourable senators are aware, an embassy is a nation's home abroad, and security concerns must be paramount in the building and management of this kind of facility.

Can the minister assure this chamber that the Canadian government has not traded away control over embassy property for commercial considerations?



**Senator Austin:** Honourable senators, I would apologize to the Leader of the Opposition for suggesting that he was present at the opening ceremony. I was so advised. I will go back to my sources and discover why I was erroneously advised. I have always heeded the part of the Bible where it is stated that Jacob leaned upon his staff and died.

As to the remainder of the question, I think Canadians should take great pride in having a facility of this kind, which Senator Kinsella described as outstanding and magnificent. Germany is an important part of the European Community. It is one of the economic motors of that community. Canada seeks to develop its presence and its influence with the European Community. Canada must show a commitment to that community and to Germany, which moved its capital, as honourable senators know, from Bonn to Berlin, requiring a new embassy presence, not only by Canada but also by other countries.

With respect to the aspect of the question that relates to economic and commercial viability, I will make inquiries as to the nature of the cost-benefit appraisal, and endeavour to provide a more specific answer.

The idea of public-private partnerships has been espoused not only by the government of the day but also, I understand, by the opposition party. I may have misunderstood Senator Kinsella for a second time if I interpreted his remark to mean that he was objecting to public-private partnerships.

**Senator Kinsella:** Honourable senators, another example of this model of public-private partnership is the Canadian embassy built in Hong Kong.

• (1430)

That was conceptualized in the world that was pre-9/11. In the world that we live in today, the world of post-9/11, security concerns certainly have to be foremost in our minds. Canadian taxpayers have put \$102 million into the Canadian embassy. The private sector, Hannover Leasing Group, has provided financing of some \$80 million. Hannover Leasing has control over the site and who they will lease to.

When the minister makes his inquiries, I would ask that he secure for us information concerning the terms and conditions of that partnership that speak explicitly to the security concerns in the world today. One can imagine many scenarios. Will Hannover Leasing be allowed to lease to organizations or entities that might be of great concern in the eyes of Canadian intelligence agencies?

I do not know the answers to these questions, and I would ask the minister to attempt to obtain them for the chamber.

**Senator Austin:** Honourable senators, with respect to the final point made by Senator Kinsella, I certainly will ask for information with regard to the security arrangements relating to the embassy, which I will give the chamber.

I should inform the Senate that the principal nature of the transaction reverts the full title of this property to Canada in 35 years. I suppose that one of the considerations for the economic transaction is the ownership of this very valuable property in Berlin 35 years from now. I do not have other details.

I do, however, want to correct Senator Kinsella in one respect. He referred to Hong Kong, but he meant Tokyo. The government of Prime Minister Mulroney entered into a public-private agreement with respect to the development of our embassy in Tokyo. That building, as well, is magnificent and has an outstanding presence. In that case, Canada had a substantial amount of land and made land not needed for the new embassy or the old residence available to a Japanese developer on commercial terms, with a return of that property in, I believe, 99 years, when it will be an extremely valuable property again.

I do not know that there is much to characterize as to a difference in nature in this particular transaction. However, I will seek additional information for Senator Kinsella.

**Senator Kinsella:** I hope my information is wrong and that the minister will be able to identify my error. My information is that there is a 150 per cent cost overrun for the Canada House project in Berlin. Perhaps the minister can report on that figure as well.

**Senator Austin:** I shall endeavour to do so.

## INTERNATIONAL TRADE

### DOHA ROUND—STATE OF NEGOTIATIONS ON AGRICULTURE—EUROPEAN UNION AND UNITED STATES SUBSIDIES

**Hon. Leonard J. Gustafson:** Honourable senators, last week, the Director General of the World Trade Organization warned that the Doha round of global trade talks is close to a crisis because not enough progress has been made on important issues, including agriculture. Could the Leader of the Government in the Senate please tell us if his government shares the view that the Doha round might be close to crisis?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I cannot give a specific response except to say in general that Canada believes the Doha round to be an extremely important part of advancing the world trade system. Canada has many significant issues that need to be dealt with in this Doha round.

I have not heard that we believe the situation to be in crisis.

**Senator Gustafson:** Does the Leader of the Government in the Senate have comments on developments and issues with respect to the Doha round? Is the matter of agriculture subsidies in the U.S. and the European Union a priority for Canada? For what it is worth, they are batting up against a brick wall if they think they will ever get the Americans and the Europeans off subsidies. For 25 years, we have been hearing that the World Trade Organization will get them off subsidies. I can tell honourable senators that farmers are anxious about these subsidies, and I would like to hear the minister's response.

**Senator Austin:** Honourable senators, I had the opportunity to attend the Cancun meeting of the Doha round in 2003. Not much has changed, I would say, in the public information as to the relative positions of the major trading groups.

As Senator Gustafson knows, there is a contest with respect to the United States and Europe. They continue to blame one another for the high subsidies that they offer their own agricultural producers.

At the same time, the group of 22, as they are called, led by developing countries, has set very aggressive targets for reducing those subsidies. Agriculture is what the Doha round has turned into. That is what it is all about.

In the meantime, Canada is in a special position with respect to its agricultural market suppliers, and we are anxious to ensure that supply management, as Canada practises it, stays in place in any new global arrangement.

**Senator Gustafson:** A large percentage of our production is sold into the international market, as the minister will know. This creates a great problem for Canadian farmers, especially grain, which is sold internationally.

I happened to be in Seattle when the trade talks were occurring there and at that time the trade talks on subsidies broke down. Canadian farmers cannot withstand another one of these situations. Another move must be made to deal with the crisis so that there is a level playing field for our grain industry.

**Senator Austin:** Without accepting the suggestion that in the Doha round of negotiations a crisis exists presently, Senator Gustafson is well aware that the United States and Europe are quite, if I may use the word, "protectionist" of their agricultural sector. We have seen that protectionism followed with respect to trade actions against Canadian agriculture and against softwood lumber. It is said by some that the U.S. Congress is becoming increasingly protectionist, but at the same time it has a new group of trade negotiators.

Mr. Rob Portman is the leading trade negotiator for the United States. He is new in his assignment. We are waiting to see whether he will follow the trade negotiating lines of Mr. Robert Zoellick or whether new initiatives will be launched by the United States with respect to the Doha round.

• (1440)

**Senator Gustafson:** As late as a couple of weeks ago, the Americans increased subsidies on a crop of peas by 100 per cent. They doubled the subsidy. France did the same thing with wheat, and they doubled their subsidy. The problem is escalating, it is not going away. Could it be that the Doha meetings are in crisis because they realize these countries are doing the opposite to what they have been asking them to do?

**Senator Austin:** I understand the concerns of the Honourable Senator Gustafson. I do not know whether this is an appropriate situation for the axiom, but President Eisenhower once said that if you cannot solve a problem at this level of its difficulty, let it get bigger.

## FINANCE

### CHANGES TO BUDGET 2005—CONSULTATION WITH PROVINCES AND TERRITORIES

**Hon. W. David Angus:** Honourable senators, a significant part of the Prime Minister's desperate budget-changing deal with the NDP appears to concern federal spending that is clearly within areas of provincial jurisdiction. Ontario Premier Dalton McGuinty was reported by the April 28 *Ottawa Citizen* as saying:

It is of passing interest that I certainly wasn't consulted on this either as head of the Council of the Federation or as premier of Ontario. I don't believe that any one of my 12 counterparts across the country were consulted either.

Could the government leader confirm that not one single provincial premier or any territorial leader was consulted prior to the federal government agreeing, in a Toronto hotel room, to make major changes to its budget involving major new spending in areas of exclusive provincial jurisdiction?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I know that Senator Angus is familiar with constitutional law and practice, and knows that it is constitutional for the federal government to use the power of the purse to spend funds on programs that serve the public interest.

### ONTARIO—DISCUSSIONS ON FEDERAL FUNDING GAP

**Hon. W. David Angus:** I will not comment on the assertion of my knowledge of constitutional law, but I would suggest that the amount allocated to Quebec was of great interest to me and it seemed very large and fair, but the Ontario premier noted that this deal proves that there is cash to address what he says is a \$23-billion funding gap. Mr. McGuinty is apparently still waiting for a meeting with the Prime Minister wherein that funding gap can be discussed.

Why is the Prime Minister willing to meet with the NDP leader in a Toronto hotel room, without prior consultation — this is in the cooperative federalism sense — in an effort to prop up his government, but unwilling to meet with the premier of Canada's most populous province to discuss its grievances?

**Hon. Jack Austin (Leader of the Government):** The Prime Minister indicated he is willing to meet with Premier McGuinty and arrangements are going forward for such a meeting.

Since I cannot ask questions of senators opposite, I will wonder rhetorically why the Leader of the Opposition, Stephen Harper, has changed his position from support of the government's budget to a position where he does not support the budget. We on this side would be delighted to know more of the reasons for that change?

**Senator Angus:** Far be it from me to preach on behalf of the Premier of Ontario, but it is Canada's largest province. Given the flagrant change in a document which was tabled in this Parliament, called the budget, for the Leader of the Government in the Senate to suggest that the Leader of the Opposition in the House of Commons has changed his position is quite mind-boggling.



However, last Thursday, Minister of National Revenue, John McCallum, said that Ontario's campaign for fairness is helping the separatists and said, "this is very dangerous for Canada." Was Mr. McCallum speaking for himself or does the government now believe that any province that raises concerns about its own fiscal relationship with Ottawa is a threat to national unity?

**Senator Austin:** Honourable senators, it is first a delight to see Senator Angus so concerned about a Liberal premier. I am sure this is almost unprecedented.

**Senator Angus:** It could be a sign of the end.

**Senator Austin:** I know very well that all Conservative senators opposite are anxious for an election, and Mr. Harper has said that you were unanimously of the opinion that an election should be brought on immediately.

**An Hon. Senator:** Not Belinda.

**Senator Austin:** An honourable senator has mentioned Belinda Stronach as perhaps a dissenter from that particular view, and perhaps there are others, but that would contradict Mr. Harper's statement and I am not in a position to do that at the moment. Perhaps it is possible that one of our Conservative colleagues could speak to that particular issue.

Honourable senators, the issue of national unity is one that must concern us all.

**Hon. Senators:** Hear, hear!

**Senator Austin:** Every one of us is here because we believe in the unity of Canada.

**Senator St. Germain:** Liberal actions eroded unity.

**Senator Austin:** Every one of us here, I am convinced, believes that the current federal system is the best system for governing Canada and we are prepared, every one of us here, I am sure, to defend it.

Honourable senators, the same is true for every minister of the government.

#### CHANGES TO BUDGET 2005—TERMS OF AGREEMENT WITH NEW DEMOCRATIC PARTY

**Hon. David Tkachuk:** Honourable senators, I would like to ask the Leader of the Government in the Senate, what are the terms of the budget deal reached between NDP leader Jack Layton and Prime Minister Paul Martin?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am not aware of any formal agreement or formal terms. I have seen stories in the media and I am sure that when, if and as that information is made public the Conservative side will be totally in support of the budget.

**Senator Tkachuk:** Honourable senators, I am rather appalled. I am asking a cabinet minister about a deal reached between the leader of the NDP and the Prime Minister of Canada. Are there notes to this deal? Will the government table those notes or any related documents in this chamber?

**Senator Austin:** Honourable senators, the advice I have is that there is no document that bears the signatures of either party, the Liberal side or the New Democratic side, nor is there likely to be such a signed document.

#### JUSTICE

#### COMMISSION OF INQUIRY INTO SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES— ALLEGATIONS OF KICKBACKS TO LIBERAL PARTY

**Hon. Gerry St. Germain:** My question is to the Leader of the Government in the Senate. Honourable senators, the Prime Minister keeps saying that if the Liberal Party received any dirty money or kickbacks, they would pay it back to the government. They clearly stated this.

However, he never makes reference to anyone being charged within the Liberal Party. Is there something new that has taken place in the system, where if you give back ill-gotten gains, everything goes away? Perhaps the government leader in the Senate could explain exactly what the Prime Minister means when he says that? You cannot rob a bank, then give the money back and assume that everything is okay. I would like to know what the Prime Minister actually means when he makes such comments in regard to this laundered money, kickback money or whatever?

• (1450)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the position of the government is that, if the Gomery commission or the RCMP investigation shows funds were paid to the Liberal Party in a way that is improper or criminal, then the Liberal Party will ensure that those funds are repaid to the appropriate parties. The Liberal Party has no intention of keeping any funds that were paid contrary to any law of Canada.

**Senator St. Germain:** The Honourable Leader of the Government in the Senate is a lawyer and, as such, can he tell us whether those who received the funds, if indeed monies were paid out, have a legal responsibility to which they must answer? In the case of the president of the party, the allegations were — and they are merely allegations — that major renovations were carried out to Liberal headquarters with some of these funds that were allegedly kicked back to the Liberal Party. The president of the party would have known that money was coming from somewhere. When I was president of the party and we were incurring major expenditures, I knew the source of the money. Senator Angus raised this issue in a general way, but it was raised legitimately and it has been legally reported through the system. Will those people be held responsible?

Where does the Chief Electoral Officer stand on this issue? In the 2000 election, the allegations are that Liberal organizers were being paid with money that was kicked back or laundered through these advertising companies. What position does he take

respecting these allegations? I repeat that these are allegations. Is he conducting an inquiry? If what is said in these allegations is true, the 2000 election was won fraudulently. Do we have any explanation? Does the government leader in the Senate know whether the Chief Electoral Officer has instigated an investigation into these allegations?

**Senator Austin:** Honourable senators, the government does not report to Parliament for the Chief Electoral Officer, so I have no information on that, nor am I likely to have any. If the honourable senator wants to bring that information forward, he will have to go to the Chief Electoral Officer directly and ask him the questions he wishes to ask.

With respect to the remainder of Senator St. Germain's question, let me sort out some of the issues. The first issue relates to funds improperly paid. I have answered that question. Those who participated in such activities could have done so innocently, could have done so without information, or could have done so with knowledge of the law and contrary to the law. We have processes to determine that. That is why the Gomery inquiry was launched, and that is why Prime Minister Chrétien asked the RCMP to investigate.

At the moment, statements in the public domain are allegations, as the honourable senator says, and they remain allegations until a determination of the facts by the appropriate court of jurisdiction.

**Senator St. Germain:** Based on these allegations, can the honourable minister advise Canadians whether the RCMP has instituted any criminal investigations into money being kicked back to the Liberal Party?

**Senator Austin:** I have no information, and the RCMP usually denies, as Senator St. Germain may know better than most here, that it has any investigations under way. As senators know, three persons have been charged under the Criminal Code as a result of RCMP investigations.

#### DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting five delayed answers to oral questions raised in the Senate. The first two are in response to oral questions raised by Senator Keon on April 14 regarding the review of procedures surrounding importations of virus samples, and the other on April 21 regarding test kits containing mislabelled strains of influenza, their movement and the handling of deadly viruses.

[Translation]

The two others are in response to oral questions asked in the Senate by Senator Gustafson; one on April 20, 2005, regarding Kyoto — the transfer of land from grain farming into grassland and the other on April 21, 2005, on bovine spongiform encephalopathy (BSE), the closure of the border and intervenor status in the Montana District Court case.

[English]

The last delayed answer is a response to an oral question raised in the Senate on April 20 by the Honourable Senator Cochrane regarding the report of the federal Marine Atlantic Advisory Committee respecting the ferry service.

#### HEALTH

##### TEST KITS CONTAINING MISLABELLED STRAIN OF INFLUENZA—RESPONSIBILITY FOR TESTING WORKERS IN AFFECTED LABS REVIEW OF PROCEDURE SURROUNDING IMPORTATION OF VIRUS SAMPLES

*(Response to question raised by Hon. Wilbert J. Keon on April 14, 2005)*

The responsibility for testing workers in the affected labs and any family members who have exhibited flu-like symptoms in the last few weeks falls under provincial and territorial jurisdiction.

The Public Health Agency of Canada, in collaboration with provincial and territorial authorities, have agreed on criteria for testing laboratory workers for H2N2 influenza. Initially, only individuals who display influenza-like symptoms will be tested in most jurisdictions. Certain laboratories have, however, opted to test all laboratory workers who were exposed to the samples. Specimens will be obtained by provincial authorities and forwarded to the Public Health Agency of Canada's National Microbiology Laboratory for testing. (Each test will take several days to complete)

The Public Health Agency of Canada provides national coordination on data collection protocols, data collection forms and analysis. However, it is up to each provincial/territorial authority to determine how they want to address the issue within their own jurisdiction.

Regarding the World Health Organization's request for laboratories to review safety procedures in handling influenza viruses, the Public Health Agency of Canada regularly publishes Laboratory Biosafety Guidelines which are recognized as the National Guidelines for Biosafety in Canada. In response to this incident, the Agency issued a Biosafety Advisory for Influenza A (H2N2) with specific precautions for safe handling, storage, use and transport of Influenza A (H2N2).

The Agency requires all Canadian laboratories, who have imported or are importing Influenza A (H2N2), to comply with the physical and operational requirements for Influenza A (H2N2) as outlined in the Biosafety Advisory/Laboratory Biosafety Guidelines, 3rd edition, 2004.

The Agency will be re-affirming, with the Canadian laboratory community, the current physical and operational requirements for Influenza A (H2N2), and will also continue to inform the Canadian laboratory community of the ongoing reclassification of specific Influenza strains to a higher risk classification.



The Agency is also undertaking a comprehensive review of the procedures and legislative basis surrounding the importation of human pathogens into Canada, as well as the use of human pathogens which have been acquired domestically.

## TRANSPORT

### TEST KITS CONTAINING MISLABELLED STRAINS OF INFLUENZA—MOVEMENT AND HANDLING OF DEADLY VIRUSES

*(Response to question raised by Hon. Wilbert J. Keon on April 21, 2005)*

The transportation of dangerous goods in Canada is regulated under the *Transportation of Dangerous Goods Act, 1992*. The Act was designed with the sole purpose of maintaining public safety in the transportation of dangerous goods and focuses on preventing accidental releases. There are approximately 30,000,000 dangerous goods shipments each year in Canada, 99.998 per cent occurring without serious incident.

In March 2004, as part of its commitment to Parliament to review the Act, Transport Canada began its consultation. Sessions open to the public were held in cities across Canada including: St. John's, Halifax, Quebec City, Montreal, Ottawa, Scarborough, Mississauga, Sudbury, Winnipeg, Regina, Calgary, Edmonton, Vancouver and Victoria. The consultations were not intended to review the entire Act but instead focus on enhancing the safety components of the Act and to look at emerging security issues. The department is completing its review of the public comments.

As for the test kits containing influenza and the Federal Express incident in Winnipeg, before any dangerous good can be shipped within or into Canada it must meet the requirements prescribed under the Act, its supporting regulations and standards. This includes the requirement for a shipper to use an approved means of containment enabling the dangerous goods to make it safely to its destination.

In the Winnipeg incident, the means of containment performed as it was designed to do — withstand the pressures of this type of accident and prevent the release of any dangerous goods.

As for the test kits, it was an error at the U.S. lab that led to the shipments being sent to the wrong accredited labs around the world. The shipments of test kits destined for Canadian labs met the appropriate transportation rules and regulations, including the proper means of containment to be transported safely into and within Canada.

### Supplementary Information

When a shipper in Canada, or an importer in Canada, wishes to transport a substance that is considered highly dangerous under the Act, that person must submit an emergency response assistance plan to Transport Canada. The emergency response assistance plan — approved by

Transport Canada before the shipment is allowed — outlines the actions that person is required to take in the event of an accident. The intent of the emergency response assistance plan is to provide on-site assistance to local authorities in the event of an accident involving such dangerous goods.

Transport Canada operates the Canadian Transport Emergency Centre (CANUTEC) to assist emergency response personnel in handling dangerous goods emergencies. CANUTEC is staffed by professional scientists specialized in emergency response who are experienced in interpreting technical information and providing advice. CANUTEC receives over 30,000 calls annually.

Transport Canada inspectors inspect industries involved in the transportation of dangerous goods and take appropriate enforcement action as required to protect the public.

The safe transportation of dangerous goods remains a shared responsibility among industry, provincial and territorial governments and the Government of Canada. Transport Canada is committed to continuing its lead role in protecting the public — be it through inspections, enforcement actions, the development of new regulations or the updating of the Act.

## THE ENVIRONMENT

### KYOTO PROTOCOL—PLAN OF COMPLIANCE

*(Response to question raised by Hon. Leonard J. Gustafson on April 20, 2005)*

There are two programs — one existing and one proposed — that can provide an incentive for the transfer of land from grain farming into grassland where this change in land use results in a net benefit for Canadians as well as for the farmer.

The "Greencover Canada Program", operated by Agriculture and Agri-Food Canada, provides farmers with an incentive to take marginal crop production land that is deemed environmentally sensitive out of production and to put the land into permanent cover. Permanent cover can still be used for hay production or grazing. This is a five-year, \$110-million-dollar initiative to help producers improve grassland-management practices, protect water quality, reduce greenhouse-gas emissions, and enhance biodiversity and wildlife habitat. Farmers have until next year to sign up lands for this program.

The second initiative is the Climate Fund, which would be established pursuant to the Budget Bill that is currently before Parliament. The Climate Fund is a major component of the Climate Change Plan that was released on April 13; it is a market-based initiative that would provide incentives for emission reductions and carbon storage in all sectors of the economy. Projects that involve switching land in grain

production (under any tillage practice) to permanent cover could be eligible to earn greenhouse gas credits; credits would be issued for the verified increase in the amount of carbon stored in the soil resulting from the change in land use. These credits could then be sold to the Climate Fund.

### INTERNATIONAL TRADE

#### BOVINE SPONGIFORM ENCEPHALOPATHY—CLOSURE OF BORDER TO CANADIAN CATTLE—INTERVENOR STATUS IN MONTANA COURT CASE

(Response to question raised by Hon. Leonard J. Gustafson on April 21, 2005)

Under U.S. law the Government of Canada is not a party to any of the litigation in the U.S. Courts concerning the U.S. Department of Agriculture's (USDA) minimal risk rule. Regarding the Ranchers Cattlemen Action Legal Fund (*R-CALF*) v. *USDA* case, the Government of Canada sought advice from its legal counsel and expert U.S. litigators as to the best method to protect Canada's interest and to ensure that accurate and complete information could be put before the courts about the science on BSE and Canada's activities related to the management of BSE risks to human health, food safety and animal health. Both the science and Canada's actions support the minimal risk rule and opening of the border to live ruminants of all classes, as well as a broader range of ruminant products.

After carefully reviewing all possible options, it was determined that the most effective way to attain Canada's objectives was to seek permission to file an *amicus* brief. Seeking permission to become an *amicus curiae* (friend of the court) is in keeping with Canada's status as a foreign sovereign government appearing before American courts. From time-to-time, Canada does seek *amicus* status in foreign courts where there are compelling reasons to do so. It would be highly unusual for Canada to seek intervenor status in a foreign court. Our U.S. counsel believed there were compelling reasons for the District Court to allow Canada to file an *amicus* brief because it would shed light on a number of factual issues raised in the litigation by *R-CALF* in regard to Canada's activities related to BSE. Canada's petition to file an *amicus* brief, with Canada's *amicus* brief attached, was submitted for the Court's consideration on February 22, 2005.

On February 23, 2005, the District Court (Montana) denied Canada's request to file an *amicus* brief, stating that:

*"The views of the Government of Canada are irrelevant to a determination of whether the USDA's action is lawful, since the relevant statutes focus on protection of US industry and US human and animal health".*

Additionally, the Court summarized Canada's petition as "interference with the proceedings". Analysis by our U.S. legal counsel determined that asking this same District Court to reconsider its decision would be futile.

On March 2, 2005, the District Court (Montana) chose to impose a preliminary injunction preventing implementation of the minimal risk rule until the merits of the *R-CALF* case could be heard. The USDA appealed the District Court's decision to the Ninth Circuit Court of Appeals on 17 March, 2005. In light of the appeal of the preliminary injunction, there was no compelling reason to appeal the decision to deny Canada *amicus* status in the District Court. However, the Government of Canada has sought permission to file an *amicus* brief in the appeal proceedings because they offer the best opportunity to overturn the preliminary injunction in the short term.

Canada submitted its petition, with its *amicus* brief attached, to the appellate court on April 14, 2005. We believe that the Ninth Circuit Court of Appeals will be interested in what the Government of Canada has to say in light of the allegations made by *R-CALF* in the litigation. Our brief presents the facts about all the measures that Canada has taken to appropriately address risks to human health, food safety and animal health. It also fully supports the USDA's position that Canada is a minimal-risk country and that the border should be reopened. We are awaiting the Court's decision on the acceptance of this submission.

The Government of Canada has worked collaboratively with the USDA since the detection of BSE in May 2003. The position of the USDA as a party in this litigation is in conformity with that of the Government of Canada, namely that trade decisions be based on science and that the science supports the minimal risk rule.

### TRANSPORT

#### REPORT OF FEDERAL ADVISORY COMMITTEE ON MARINE ATLANTIC FERRY SERVICE

(Response to question raised by Hon. Ethel Cochrane on April 20, 2005)

In November 2004, the Minister of Transport appointed a three-person Advisory Committee to review and make recommendations on the future of Marine Atlantic Inc. and the ferry service.

The Committee delivered its report to the Minister on the deadline of March 31, 2005.

The Minister and Transport Canada officials are currently reviewing the report in advance of releasing it to the public. The Minister anticipates releasing the report in the very near future.

### POINT OF ORDER

#### SPEAKER'S RULING

**The Hon. the Speaker:** Before proceeding to Orders of the Day, I should like to deal with a request for a ruling. You will recall that, on Tuesday, April 19, at the conclusion of Question Period during Delayed Answers, Senator Austin, the Leader of the Government, took the opportunity to provide an oral response to



a question that had been put to him some days previously by Senator Comeau. Immediately after, Senator St. Germain rose on a point of order to question the propriety of this proceeding, since it seemed to him to be an unwarranted extension of Question Period.

[Translation]

After several brief exchanges, I agreed to look into the practices related to Delayed Answers. In the interim, I have looked into this matter and am prepared to give my ruling on the point of order.

[English]

Delayed Answers has been a designated feature of the *Rules of the Senate* since 1991 and reference to that can be found in rule 23(8). This procedure supplemented the practice of taking questions "as notice" which was formalized in our Rules in June of 1977. Evidence in the Debates, however, shows that both of these practices antedate their respective rule changes.

The *Rules of the Senate* provide for two circumstances that might lead to a delayed answer. The first relates to Written Questions that senators place on the *Notice Paper*, as outlined in rule 25.

[Translation]

The second occurs when an oral question cannot be answered during Question Period. Rule 24(3) allows a senator to whom such a question is addressed to take the question "as notice."

[English]

The practice that has developed over the years is that, when Delayed Answers is called, the Deputy Leader of the Government will table written responses, a copy of which is also provided to the senator who asked the question. It is clear, therefore, that Delayed Answers is not an extension of Question Period.

Research by the Journals office has found one recent instance when a senator requested that a written delayed answer be read aloud. This occurred in 2001. On March 22 of that year, Senator Corbin asked a question of Senator Carstairs, then the Leader of the Government, about a foreign affairs issue. The question was taken as notice. On April 25, when the Deputy Leader of the Government, Senator Robichaud, was prepared to table a written response, Senator Corbin requested that the answer be provided verbally. Senator Robichaud then read the text into the record.

What occurred on April 19, 2005 does not fall squarely within this pattern. Senator Austin provided an oral answer to a question that had been asked originally on April 13 by Senator Comeau. In giving his answer, of which there was no written version, Senator Austin also suggested that he was prepared to answer additional questions. On both counts this is a departure from the usual practice.

As Speaker, I am bound to apply the rules that maintain recognized practices. With respect to Delayed Answers this means that, at a minimum, a written version of the response, either to a previously unanswered oral question or to a written question

standing on the *Notice Paper*, must be tabled, with a copy being provided to the senator who asked the question. In addition, upon request, it is possible for the written response to be read into the record. On no account, however, without the express leave of the Senate to suspend the rules, can the time provided for Delayed Answers become an occasion to extend Question Period.

• (1500)

Before concluding, I would like to draw the attention of senators to a related practice that occurs with some frequency. On occasion, the Leader of the Government in the Senate has responded orally during Question Period to questions taken as notice from previous sittings. Both Senator Carstairs and Senator Austin have done this. Some recent examples that were found occurred on October 26 and December 15, 2004. As well, because this is done during Question Period, it would allow senators to ask supplementary questions. It may be that Senator Austin was confusing the two practices when he acted the way he did, resulting in Senator St. Germain's point of order. In any event, what happened on April 19 was not in order. When responding to Delayed Answers, it is necessary to table a written response, even if a request is made to repeat it orally.

[Translation]

The Rules do not allow me, as Speaker, to change the record or to reverse what happened on that day. However, I would hope that the clarification I have made today will be kept in mind for the future.

[English]

## ORDERS OF THE DAY

### BANKRUPTCY AND INSOLVENCY ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Phalen, for the second reading of Bill S-28, to amend the Bankruptcy and Insolvency Act (student loan).  
—(Honourable Senator Robichaud, P.C.)

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I rise to speak to Bill S-28 at second reading. I have not had the chance to advise Senator Moore how much I appreciated his initiative in introducing the bill, although I have had an opportunity to study it.

I wish to remind honourable senators that Senator Moore's bill seeks to assist post-secondary graduates who find themselves in dire financial situations. In 1997, the Bankruptcy and Insolvency Act was amended to require a post-graduation wait period before a court could release an individual from repaying the Canada student loan. Initially, government student loan debt would

[The Hon. the Speaker]

survive a graduate's bankruptcy filing for a period of two years, during which those loans could not be discharged. However, implementation legislation for the 1998 federal budget increased the length of time from two years to 10 years. This law remains in place seven years later.

Honourable senators, student groups such as the Canadian Alliance of Student Associations and the Canadian Federation of Students have argued against a 10-year period as being unreasonably long and discriminatory. They contend that it prolongs a graduate's financial problems in a way that is not asked of other consumers who seek bankruptcy protection. For example, credit card debt and student loans obtained from banks may be discharged in a matter of months, and yet we ask graduates to wait one decade to resolve their government student loan debt.

There is an argument to be made for having some form of wait period in place to deter unwarranted bankruptcies. Between 1990-91 and 1995-96, the Canada Student Loans Programs' annual losses from bankruptcy more than doubled. Between 1990 and 1997, about 53,000 Canadian student loan borrowers declared bankruptcy — 53,000 young Canadians were forced to declare bankruptcy or became involved in related events that cost taxpayers about \$445 million in defaulted loans. The federal government says that the 10-year wait period preserves the overall sustainability of the Canada Student Loans Program and helps to prevent the system from being abused. Even student groups agree with the principle of maintaining the integrity of the program, but they are asking that the wait time in the legislation coincide with the exhaustion of the federal government's debt reduction and interest-relief measures available for a period of five years.

As Senator Moore pointed out in his remarks, Bill S-28 is consistent with recommendations arising from a review of the Bankruptcy and Insolvency Act conducted by the Standing Senate Committee on Banking, Trade and Commerce. Honourable senators might recall that in November 2003, a report of the Banking Committee advocated that the legislation be amended to reduce the length of time from 10 years to five years. The report stated that the 1997 and 1998 changes to the legislation "moved the insolvency system away from the goal of reducing the extent to which any particular class of creditor receives special treatment under the Act." Since the Banking Committee released this report, the federal government has shown no interest in changing the Bankruptcy and Insolvency Act to reflect this recommendation.

Honourable senators, I am supportive of Bill S-28 and its attempt to assist post-secondary students and graduates. It is unfortunate that the government has consistently failed to exhibit similar initiative. Only brief references to education were found in the most recent Speech from the Throne. The learning bond was announced for the second time and a passing mention was made of the educational gap between Aboriginal students and other students in Canada.

Finance Minister Goodale's version of this year's federal budget also proved disappointing beyond its promises to increase investment in research. The recent budget deal reached between

the Liberal government and the New Democratic Party reportedly includes a \$1.5-billion increase in transfers to the provinces to reduce tuition fees and to provide training programs for unemployed workers. Depending on which side one listens to, this money will begin to flow within two years. This deal has been promoted by those involved as a step forward, but I cannot view this latest incarnation of the budget in a similar light.

By way of a footnote, one wonders which budget is before Parliament. Is it the budget that the finance minister originally tabled or is it this new budget that was announced by the Prime Minister based on his deal with the New Democratic Party? Indeed, one wonders procedurally whether the budget bill adopted in principle in the other place is consistent with this new deal budget. Perhaps our friends in the other place might want to attend to this issue.

Not to veer from the issue that is before us, it would be interesting to know whether in crafting this deal any thought was given to provincial consultation, as raised during Question Period today. A perfect example is the area of education. As all honourable senators are aware, education clearly falls under provincial jurisdiction. The provinces may be angered that the Prime Minister and the leader of the NDP have attached strings to this money without the input of the premiers whose jurisdiction is education.

There is great confusion as to what was promised. The NDP claim that the written agreement explicitly provides the extra funding only to the provinces that will use it for tuition reduction, but the Prime Minister denies this claim. I would also like to point out that neither side has stated what it thinks would happen to tuition fees when this deal supposedly ends in two-years' time.

• (1510)

Honourable senators, I do not suggest that the provinces will flatly reject this extra funding, because they were not party to these discussions. However, I do question the government's wisdom in proceeding in such an ad hoc manner. I also seriously question the continuation of this government's longstanding practice of throwing large sums of money at a given area, absent an evaluation of the current situation and absent the attachment of a clear and workable plan.

Honourable senators, it is true with respect to our health care system, and it is true in this instance with respect to education that money alone will not solve the ills of our post-secondary education system. A bold new approach with a new paradigm is needed to correct its many deficiencies, not the least of which is the growing burden of student indebtedness.

This bill before us will provide certain graduates with some assistance. However, it does not address the overall problem of student debt, which has steadily worsened under the past two successive Liberal governments. According to Statistics Canada, in the year 2000, approximately half of all university or college graduates owed money related to their education. The average amount owed was 30 per cent higher than it had been just five years before.



These are not my numbers. They are Statistics Canada's numbers. They also report that university graduates holding bachelor degrees owed an average of \$19,500 in government student loans. There has been anecdotal evidence that the prospect of graduating with a heavy debt load has caused some students to reconsider their university or college plans or drop them all together. These young people are not necessarily from low-income families. Today's costs of tuition, plus housing, books, lab fees and living expenses are prohibitive to middle-income families as well. Imagine middle-income families with two or three college-aged youngsters.

A lack of financial resources should never be a barrier in a country as rich as Canada to pursuing higher education, but increasingly, unfortunately, it is. Students have been saying for years that the rise in debt upon graduation is, in part, a result of rising tuition costs at universities and colleges.

Honourable senators, unless we deal with the substantial increase in tuition costs, we will not be tackling the underlying problem of student debt. Since 1990-1991, under this government, university fees have nearly tripled. Is it mere coincidence that the number of graduates declaring bankruptcy climbed during much of this interval as well?

Despite our position as a signatory to the International Covenant on Economic, Social and Cultural Rights — an observation that we have made on several other occasions referencing, in particular, the obligation under article 13 of that international human rights treaty — Canada is clearly failing to meet its commitment to progressively free education at the post-secondary level being accessible to all. Sadly, each year we move further away from realizing that commitment made almost three decades ago. As a result, we are allowing our students to sink deeper and deeper into debt. This debt can be crushing for young men and women who have spent years studying their field of choice and who are now trying to make their way into the workforce. Instead of investing in a car or first home, as their parents did when embarking on professional careers, today's young adults are working to pay down debts worth tens of thousands of dollars incurred to obtain their education. In other words, they have a mortgage but no house to show for it.

Many graduates are working just to pay the interest on their debt and only dream of the time when they can begin to pay down the principal. The financial restraint these individuals will have to practice for years to come does not bode well for Canada's economic future. Those who choose to seek bankruptcy protection do so knowing that their personal future will be negatively affected, with the ability to secure credit hampered for many years after their debt is discharged.

As I stated earlier, the provinces have jurisdiction in the area of education. This must be respected. I also believe that there must be a way for the federal government to work with the provinces on any number of challenges that face post-secondary education in our country, especially with respect to standards and tuition costs. This will require imaginative thinking. The federal government should not view that as a deterrent. Unfortunately, it seems that this government is content to continue on the same

path, with no apparent desire to investigate new ideas, while sacrificing provincial involvement for political expediency.

I share the belief, developed by the Conservative Party of Canada, that one way to address the myriad of problems facing post-secondary education in our country is to change the method by which the federal government provides the provinces with funds. By removing post-secondary education from the Canada Social Transfer, an independent transfer could be created that would be specifically targeted to education instead of being grouped with funding for social programs. This method would also establish standards of accountability and transparency by ensuring that these funds are spent on education and not redirected elsewhere.

I should like to remind all honourable senators that, during the last federal election campaign, the Prime Minister publicly committed to creating a dedicated transfer payment for post-secondary education to eventually reach \$7 billion or \$8 billion; but he made no move to do so once elected. Another promise broken. Perhaps we will soon learn if that broken promise will be dusted off for another year.

Honourable senators, we would support many other measures that would improve the current state of post-secondary education in Canada. For example, my colleagues and I are of the opinion that all scholarships and bursaries should be tax exempt. A student who receives a financial award based on academic excellence should not be penalized for his or her success. Furthermore, it is preposterous that the government claws back much needed funds from students on scholarships, scholarships that they receive based on their financial need.

I am happy and proud to belong to a political party that also believes that the Canada Student Loan Program must be revamped through a variety of means, such as the elimination of the inclusion of parental assets and income in the assessment of student loan applications. Our party supports income contingent student loans that are repaid depending upon the level of income following graduation. We have also called upon the federal government to charge students prime plus 1 per cent on their loans, as opposed to the excessive prime plus 5 per cent it currently charges on fixed rate loans.

Honourable senators, in conclusion, I am of the opinion that Bill S-28 should proceed to committee examination. It is a small measure that, admittedly, will not help the majority of Canadian students or graduates, but it does offer more genuine understanding of their struggles, more than anything the federal government has offered students in recent years.

For these and other reasons I support this bill.

**Some Hon. Senators:** Hear, hear!

**Hon. Bill Rompkey (Deputy Leader of the Government):** I am interested in the comments of Senator Kinsella particularly those on the subject of the Canada Social Transfer. I support the initiative of Senator Moore in introducing this subject. My question relates to the transfer, even if it is divided.

Does Senator Kinsella think that there should be an unconditional transfer? At one time the transfer was conditional. There was an onus on the provinces to spend the money on the areas for which it was designated, and some evidence indicates that that is not the case and that funds designated for education are spent on highways and so forth.

If the transfer is to be made and designated for one area or another, does the honourable senator think that some contingencies should be set out?

**Senator Kinsella:** I thank the honourable senator for his question. It is my view that there should be a designated transfer from the federal government to the provinces for education which is separate from the other social transfer. In other words, it should be a designated, discreet envelope.

• (1520)

**Senator Rompkey:** Should it be unconditional?

**Senator Kinsella:** Unconditional in what sense?

**Senator Rompkey:** Should there be a requirement that the province spend the money on education?

**Senator Kinsella:** The point is that if there is a designated transfer for education, it is designated for education. Clearly, for any of this to work effectively, there needs to be consultation with the province.

In the debate we had only a few weeks ago touching post-secondary education, we argued that the Prime Minister should convene a first ministers' meeting on post-secondary education. That would provide a tremendous opportunity to examine that kind of question and the more fundamental question of whether the model we have been using for 35 or 40 years is the appropriate one for funding post-secondary education in the Canada of the year 2005.

The fundamental facts are before us. One does not like to use overly charged terms, but I do not think it is too strong to say that the current situation of indebtedness that our students are incurring is immoral. A country as rich and as generous as Canada should not be putting a yoke around the necks of our young students.

Other countries around the world that are not as blessed as we are with both natural richness and the richness that flows from the productivity of Canadian workers are able to ensure high-quality post-secondary education opportunities for their students at not nearly the cost our students are being forced to incur. Something is not working in Canada, and that needs to be fixed. The bill that Senator Moore has brought forward is a surgical intervention on one aspect. Lacking a larger intervention, we can do nothing but support these step-by-step interventions.

On motion of Senator Rompkey, for Senator Robichaud, debate adjourned.

## NATIONAL CANCER STRATEGY BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-26, to provide for a national cancer strategy.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Marilyn Trenholme Counsell:** Honourable senators, I rise to speak to Bill S-26, to provide for a national cancer strategy.

Senator Forrestall indicated that the premier of his province, Dr. John Hamm, was his inspiration. He also acknowledged support for Bill S-26 from the Canadian Cancer Society and the National Cancer Institute. He mentioned that others have called for a national cancer strategy, including the Cancer Advocacy Coalition, the Canadian Diabetes Association, the Heart and Stroke Foundation and the Canadian Lung Association; yet, I am bound to ask whether these groups are satisfied with Bill S-26 as it is written. I suspect not.

On April 12, 2005, Senator Forrestall spoke to Bill S-26 and said that it will focus research into the control and treatment of and finding a cure for cancer, and that it provides for the Minister of Health to consult with provincial Ministers of Health in each province and with charities involved in cancer research and to establish an advisory committee. He said that the bill will compel the Minister of Health to show leadership on a national research-driven strategy to control cancer and to finance research into the causes of cancer and its most effective treatments.

I have read Bill S-26 carefully. At best, this bill is an uncertain step, albeit a well-meaning one, to advance Canada's response to cancer. Much that is imperative is absent. Prevention and education are not mentioned. Reference is made to charities involved in cancer research, but no reference is made to the wealth of non-profit organizations and associations across this land that educate, counsel, support and care for patients and their families. Professional development is not mentioned. Palliative care is not mentioned. The list is long, and I find that Bill S-26 is short.

In Canada, we have laid a foundation for a cancer control strategy much like other OECD countries. The Canadian Strategy for Cancer Control took shape at the beginning of the 21st century. It is a modern, visionary, comprehensive, collaborative model based on consensus positions on priority cancer control issues with broad goals, sound accountability, solid leadership and governing principles. The Canadian Strategy for Cancer Control was jointly developed by the federal government in collaboration with the provinces, territories and non-governmental cancer organizations.

On January 27, 2005, Canada's Chief Public Health Officer said:

...the developmental stage of the strategy is coming to a close and all parties are now examining funding and implementation options.



While the government considers the best approaches to proceed with the strategy, the battle to prevent and treat cancer continues.

Cancer is clearly a priority for government — evidenced by the commitment at the recent First Ministers' meeting to reduce cancer waiting times, and the commitment and planning support given to building the Canadian Strategy for Cancer Control....

Cancer will be one of the major chronic diseases addressed in the Pan-Canadian Public Health Strategy...

Prevention is key.

One of the most astonishing facts about premature death is that close to 70 per cent can be prevented. We all have some responsibility....

...the control and prevention of cancer must remain a priority for all levels of government, as well as dedicated organizations and individuals.

Honourable senators, you have listened to the commitment of Canada's Chief Public Health Officer on January 27, 2005. Does this strike you as a solid action plan? Does this tell you that the Government of Canada is taking cancer seriously and providing leadership in the battle against it? If so, why would the Honourable Senator Forrestall have said in the *Debates of the Senate* for April 12, 2005:

...I had the bill drafted after the September 2004 health care meetings of the first ministers. I watched my premier, Dr. John Hamm, a thoughtful Nova Scotian, tell his colleagues and the Prime Minister that Canada needed a cancer control strategy. The Prime Minister agreed but then, sadly, has done nothing about it.

Perhaps the good premier from Nova Scotia and the good senator were not fully aware of Canada's current position on a cancer strategy. Perhaps they did not know that the partners in the Canadian Strategy for Cancer Control noted the close alignment of Mr. Romanow's recommendations with the priorities of the strategy.

Dr. Simon Sutcliffe, Chair of the Canadian Strategy for Cancer Control, said in response to the Romanow report that the report's recommendations are "the spark that will galvanize efforts to fight cancer in Canada." He said:

The Strategy is this generation's best shot at turning the tide in the fight against cancer. If we fail collectively to commit to the Strategy we will be passing a greater and more difficult challenge to our successors.

The response stated:

The Canadian Strategy for Cancer Control has produced an action plan to tackle the disease that Canadians fear most — cancer. One in three Canadians will develop cancer

in their lifetime.... The Strategy is something Canadians want — nine in ten Canadians think that the formation of a Canadian Strategy for Cancer Control is a positive development.

The Romanow report supports the five priority areas identified by the strategy: standards and guidelines; primary prevention; a focus on enhanced supportive psychosocial and palliative care; and human resources and research.

During Breast Cancer Awareness Month 2004, the Minister of Health and the Minister of State for Public Health highlighted our broad collaborative effort to control cancer — the Canadian Strategy for Cancer Control. The ministers concluded that the Public Health Agency of Canada, launched this year, will serve as a focal point for coordination, research and expertise for public health issues like breast cancer and will have strong linkages to provincial and territorial governments, public health stakeholders and partners.

Minister Dosanjh and Minister Bennett concluded on October 5, 2004, that together we can defeat cancer.

A new Public Health Agency, a young Canadian Strategy for Cancer Control, a mature Canadian Institutes of Health Research, working with the Canadian Cancer Research Alliance, bringing together all the major organizations and agencies that fund cancer research in Canada to coordinate a united research response for cancer control — this, honourable senators, is Canada's response in 2005 to a national strategy.

• (1530)

How does Canada rate on the international scene? On January 27, 2005, on the occasion of Canada signing the Framework for Cooperation on Chronic Diseases Agreement at the annual World Economic Forum in Davos, Switzerland, the Director General of the WHO, Dr. Lee Jong-wook, said:

WHO is pleased and encouraged that Canada has identified chronic disease prevention and control as a global effort, and is taking a leading role ... an opportunity for the rest of the world to learn and benefit from Canada's knowledge and experience in the field, such as the Canadian Healthy Living Strategy and cancer control.

Honourable senators, I am proud of the Government of Canada, of Health Canada and of our new Public Health Agency of Canada. I am proud of our vision and of our cooperation with Canada's provinces and territories. I am confident in our ability to support the thousands of non-governmental initiatives across this great land. I am delighted when Canada is praised internationally as a leader.

It makes me sad to hear a member of Canada's Senate say:

...sadly, nothing has been done.... It almost seems, because of its inaction, that the government would prefer that cancer continue to sadly afflict and kill Canadians at the current rate.

Fortunately, my colleague in this chamber then added:

I do not honestly believe that but it seems that way at times.

Bill S-26 calls for a national cancer strategy. It occurs to me that we may be debating terminology and nomenclature. One must ask, do all the programs I have listed and described constitute a strategy? If so, Bill S-26 is redundant; if not, it is worthy of further consideration.

Allow me to cite the names given to cancer control plans in several countries. Australia, in 1997, established the National Cancer Control Initiative. France has the French Cancer League — La Ligue Française de lutte contre le cancer. England and Wales have A Policy Framework for Commissioning Cancer Services and a National Health Service Cancer Plan. Israel has a Commission on Cancer Control. Within the European Union, there is the Organization of European Cancer Institutes.

In my own province of New Brunswick, there has been a call for a New Brunswick Cancer Network. In the written requests, the review group acknowledged the priorities already established by the Canadian Strategy for Cancer Control and added:

...through a cooperative approach amongst major partners ... Canada has developed a cancer strategy.... other countries, which have lagged behind are developing strategies and organized systems to deploy them.

Let me conclude by saying that the intent of Bill S-26 is honourable, despite my thinking that some of the supporting speech was not. However, I cannot support Bill S-26 until I know the view of the Minister of Health on the relationship of a National Cancer Strategy with what exists now, the Canadian Strategy for Cancer Control. Are we already fulfilling the spirit of this bill? Would Bill S-26 lead to a mere name change of the cancer strategy that exists now in Canada, and which has won provincial as well as international recognition? How could Bill S-26 strengthen Canada's fight to conquer cancer when it includes the words "provinces that agree to participate in the strategy" and when the sponsor of the bill states "Bill S-26 was written with asymmetric federalism in mind"?

On April 12, 2005 Dr. Barbara Whyllie, CEO of the Canadian Cancer Society, said:

The Canadian Strategy for Cancer Control has an action plan for prevention that, if implemented, would bring about important reductions in cancer incidence.... there is the potential to prevent more than 1.2 million Canadians from developing cancer, and it could save the lives of more than 420,000 Canadians.

She continued:

The goals of the strategy are to reduce the risk of developing cancer, reduce the risk of dying from cancer, and to improve the quality of life for those diagnosed with cancer.

Dr. Whyllie is correct; implementation is key.

Honourable senators, it appears to me that Canadians are united behind the Canadian Strategy for Cancer Control. We are united in the memory of Terry Fox, united in the memory of all Canadians from all walks of life who have known the pain of cancer, and united, as I am, honouring my late husband in the certainty that by whatever title we attach to our endeavours to win the greatest health battle of all time, the battle against cancer, we must do this together, with nobility of spirit, knowing that each of us may one day walk the road taken by Terry Fox, by our loved ones and by millions of our fellow citizens.

On motion of Senator Rompkey, debate adjourned.

[Translation]

## OFFICIAL LANGUAGES

### BUDGET AND AUTHORIZATION TO TRAVEL REPORT OF COMMITTEE ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Official Languages (budget—study on the application of the Official Languages Act—authorization to travel), presented in the Senate on April 21, 2005.—(*Honourable Senator Corbin*)

**Hon. Eymard G. Corbin** moved the adoption of the report.

Motion agreed to and report adopted.

[English]

## ABORIGINAL PEOPLES

### BUDGET—REPORT OF COMMITTEE ON STUDY OF INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Aboriginal Peoples (budget—study on aboriginal communities and businesses in economic development activities) presented in the Senate on April 14, 2005.—(*Honourable Senator St. Germain, P.C.*)

**Hon. Nick G. Sibbeston** moved the adoption of the report.

Motion agreed to and report adopted.

## BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** I think, honourable senators, that we skipped over No. 3 and went on to No. 4. It seems to me we should deal with No. 3. I understand Senator Gustafson wanted to have the floor on that particular matter.



# STUDY ON DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

## REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the second report of the Standing Senate Committee on Agriculture and Forestry, entitled: *Value-added Agriculture in Canada*, tabled in the Senate on December 14, 2004.—(Honourable Senator Rompkey, P.C.)

**Hon. Leonard J. Gustafson:** Honourable senators, Canada's agricultural industry faces some unprecedented challenges. The current situation relating to the negative farm income is a general symptom of what farming and farmers face. All of us who care about agriculture want to see government policies and circumstances combine to ensure that that sector of our economy is profitable and sustainable. Hard-working farmers, farm families and communities which benefit from farming deserve nothing less. Unfortunately, many structural, international and climate-related conditions and dynamics represent significant obstacles to achieving this objective.

This is such an important situation. Sir Leonard Tilley once said, "Destroy the farm and grass will grow in the streets of every city in the nation." We are in a crisis situation in agriculture. I personally attended four farm sales this spring, two of which were either bankruptcy or simply getting rid of their assets and cleaning up the debts that they owed.

• (1540)

To many people living in our cities, it is hard to be sensitized to exactly what many of the farmers in the country are going through. Regular television newscasts of farm protests and government farm aid announcements provide a remote glimpse of what are some of the very acute problems. Low commodity prices, the BSE crisis, which we have heard about, and the problems of the grain and oilseed sector have all taken a toll on this industry, representing 8 per cent of Canada's gross domestic product.

I had a phone call days ago from a corn producer in Ontario telling me that he had No. 1 corn. He was getting \$1.20 a bushel. It probably cost him \$3 a bushel to produce it.

The same thing is true in the wheat industry and the grain and oilseed industry. A few months ago, canola was selling for over \$9 a bushel. Today, it is \$5.50 a bushel. Commodity prices have simply collapsed. It is a very serious situation that our Canadian farmers face.

Both the federal and the provincial governments, as well as farm groups, the Senate and parliamentary committees, generally do a good job at advancing the causes and issues of the farm sector. I must say from the standpoint of the Standing Senate

Committee on Agriculture and Forestry, it is probably one of the best committees of this house. It does a good job in making recommendations, but recommendations in and of themselves are not enough.

As well, while legislators and the bureaucracy can often be slow in acting on behalf of the farmer, the reality is that the trade-dependent and market-driven nature of agriculture tends to constrain our capacity to help this industry. Eighty per cent of our farmers rely on world markets for determining the prices they receive for their commodities and for their opportunities to market these commodities. No region or commodity is exempt from this basic fact of farm life.

The BSE crisis and the resulting border closures are especially telling of the trade-dependent nature of agriculture. During good times, Canada's cattle, beef and ruminant industry is one of the bright spots of our relationship with the United States and other trading partners, but border closures have been brutal, causing a \$7-billion drain on the economy. That is a lot of money and that is exactly what farmers are short.

We have heard stories of people selling culled cows and getting cheques for \$10 or \$12 a cow. I heard of one the other day where the farmer had to pay the freight out of his pocket. He did not get anything for the animal. It is a very serious situation.

Many farmers have suffered heavy losses as a result of the BSE border closures, including cow-calf operators, dairy producers, feedlot operators and producers of other ruminant livestock. The trucking industry has also taken a brutal hit on the jaw.

The Liberal government's mishandling of this issue and the agricultural sector as a whole is evidenced by the token reference to agriculture in the budget and the last Speech from the Throne, as well as the absence of any serious action by our government in the court case unfolding in Billings, Montana. The U.S. court granted a temporary injunction preventing the Canada-U.S. border from being reopened to Canadian cattle, with a full hearing scheduled for July 27, 2005. With the Liberal government apparently having simply given up on its duty to defend Canadian interests in the BSE border blockage, concerned Conservative members of Parliament have indicated that they are prepared to apply for intervenor status and participate directly in the court case.

This aside, I am optimistic that the recent American court injunction prolonging the border closure will be settled in due course. In the meantime, we must ensure that producers are provided with the necessary transitional funding and supports to alleviate the economic erosion and increasing debt loads that this crisis has caused.

The federal government has made much of its effort to increase domestic slaughter capacity. While this is no panacea for the resumption of the normal trading of cattle and beef with our trading partners, we have to be very strategic in how we approach this objective. Once the border reopens between Canada and the United States, a different set of market pressures will emerge with respect to Canadian and American slaughterhouses and processing plants and cattle supplies. The government has to anticipate this scenario and ensure that we do not overbuild.

Our committee has heard from I do not know how many groups suggesting that they want help in building a new processing plant. The one that was built in Prince Edward Island had very positive results because there is a captive market there freight-wise. The one that has been rebuilt in British Columbia's lower mainland has a captive market of about 4 million people who need to be serviced with beef. That was a very good move.

On the other hand, I believe it would be in our best interests to look at some of these other areas and ask ourselves if we are overdoing it. Let us face the facts. The Americans did a very good job of selling our beef internationally, and the last thing we want to do is get into a price war with them in the cattle industry.

I am not saying that we should not look after the processing industry. I recommend that we build one major plant somewhere in Canada that just looks after culled cattle and the lower end. That, of course, is my own personal view formed by listening to the witnesses we heard in the committee.

International overproduction of grains and oilseeds, and domestic support programs of other countries, have driven commodity prices to a point where many farmers either have to give up their farms or find off-farm work. Many of our farmers today are engaged in off-farm work. Farmers of small farms are having to drive school buses or do other jobs in the community. Many of our younger people are working on the oil rigs.

I would say this: The Prairies, especially, should be very thankful for an oil boom and a booming industry. We have two economies in the Prairies: a farm economy and an oil economy, and one is very different from the other. However, it has been a benefit to everyone in the Prairies that the oil industry has been as buoyant as it has.

• (1550)

In my view, the continued low commodity prices could be more damaging over the long run than even the BSE crisis. At least with the BSE situation, the border will eventually reopen, so there is some light at the end of the tunnel. The beef industry is priced on a North American market so, certainly, the cattle industry will benefit when that border re-opens.

The same is not true of the grain industry because much of the grain sold internationally goes to the Third World, most of which cannot afford to pay for it. It is important that the World Trade Organization or other group, look at the global situation and come to a conclusion on what is to be done in Canada. How should the situation be handled? This is a pressing need for all Canadians.

Conservatives view agriculture as a key, strategic sector for Canada. We recognize that various regions of Canada and sectors of the industry hold competitive advantage in agriculture production. Our approach to agriculture policy is grounded in the belief that one size does not fit all. Conservatives believe that the agriculture policy must be developed in close consultation with the producers. In this sense, it must be remembered that our farmers are business operators. To dictate policy that might have

an adverse effect on this portion of Canada's business community would have negative consequences and would go against Conservative Party principles. Balancing financial responsibility with support programs that work is a major priority.

I want to speak to the issue of government support. It would be wrong of me to say that government has not supported the industry, because it has. However, much more attention must be paid to how the support is provided and administered. It is important that government sit down with the producers to develop positive solutions that would not waste bureaucratic efforts and government monies. A great deal of attention must be given to this area.

On the issue of agricultural exports and diversification, a Conservative government would encourage self-sufficiency in national food production, including increasing diversification in the kinds of food and agricultural products produced. We would seek to enhance export opportunities for all agricultural products, with special emphasis on markets and processing.

**The Hon. the Speaker *pro tempore*:** Honourable senators, I am sorry to interrupt but I must advise Senator Gustafson that his time has expired. Is the honourable senator asking for leave to continue?

**Senator Gustafson:** Honourable senators, I will try to be brief.

**The Hon. the Speaker *pro tempore*:** Is leave granted, honourable senators?

**Senator Stratton:** Five minutes.

**Senator Gustafson:** According to farmers, if you take a bushel of corn worth \$1.20 and make it into Corn Flakes, you multiply the value of that bushel of corn 100 times. That is the importance of processing. Throughout the history of Canada, some of our wealthiest families have been in the food processing business. However, very little of that money finds its way back to the farmers and producers. We have been unable to find a way to pay a proper price for the commodity that is produced.

Government must look at this situation and determine how it can be changed. It would not take much. Whether that bushel of corn costs \$1.20 or \$4 will make little difference when the multiplication factor for processed food is so great.

Honourable senators, continued low commodity prices could be more damaging than anything we have seen in Canada's agricultural industry. Sir Leonard Tilley got it right when, in talking about the farmer being so important to agriculture he said, "Destroy the farmer and grass will grow in the streets of every city in the nation."

On motion of Senator Rompkey, debate adjourned.



## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### MOTION TO ALLOW REINTRODUCTION OF BILLS FROM ONE PARLIAMENTARY SESSION TO THE NEXT—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Smith, P.C.:

That the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session, with a view to including in the *Rules of the Senate*, a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process.—(Honourable Senator Oliver)

**Hon. Mira Spivak:** Honourable senators, I am most supportive of this motion. I wrote to the Rules Committee many months ago to make the request that the committee examine the pressing need for new rules for this chamber that would permit the reintroduction of Senate public bills at the same procedural stage of the previous parliamentary session. The practice would reduce the duplication of effort in this chamber and in committees that we have seen in recent years. It would also improve public opinion of the Senate which has been, frankly, bruised by the current procedure.

Justifiably, supporters of any given Senate bill are disturbed when they see it move through first and second reading, committee stage, third reading and on to the Commons only to have it rolled back to the Senate for first reading again. In recent years, it has happened too often, and sometimes that has been the fate of a bill not just once but twice.

Those who actively support legislation with petitions, letters and appearances as witnesses are mystified and annoyed by the process in this place. It not only means a great deal of duplication of effort by senators, but also a great deal of repetitive effort for others.

Honourable senators, a good example of this process is Bill S-12, in respect of personal watercraft, which is still before the house at second reading. It was twice passed by this chamber at third reading. It was first introduced as Bill S-26 in May 2001, almost four years ago. It was unanimously reported without amendment by committees and it was passed by the Senate as Bill S-10 and as Bill S-8. It was twice introduced in the House of Commons, where it died on the Order Paper. Well before the Personal Watercraft Bill received first reading as Bill S-12, it had been debated for three hours in this chamber and had been studied by committees during 12 hours of deliberation — 15 hours of senators' time and Senate resources to pass a small bill to implement what the government itself proposed to do in 1994. That is stunning.

• (1600)

It is also worth noting that the 12 hours of committee deliberation exceeds the committee time spent on bills dealing with more weighty matters — for example, bills to manage nuclear waste or bulk water exports. In fact, the total time spent on what is essentially a housekeeping bill almost matched the time spent in committee on the government's premiere piece of environmental legislation in the last Parliament, the Species at Risk Act.

When supporters of Bill S-10 — and there are tens of thousands of them across the country — learned that we were back to first reading of Bill S-12, some of them wrote as follows:

How absurd! How disappointing and disturbing! All that waste of time, of money, of goodwill.... So much for our wish to treat others with civility, respect, concern. So much for taking care of each other in Canada.

And so much for the Senate as an institution.

That comment came from the Atlantic provinces.

Another individual, who was very involved in persuading his fellow Quebecers to support the bill, said this:

Let's face it, and correct me if I'm wrong: we have to pass through three readings at the Senate and after that three readings in the Commons in the same parliamentary session. It's virtually impossible to accomplish it; especially if there are hearings again ... Bill S-12 will die another time.

I am not happy to conclude that he is right but, given that the twice-passed bill now appears stalled at second reading, it is hard to think otherwise.

We do ourselves a disservice and we let down those who turn to us for help by making it virtually impossible to see passage of a Senate public bill that is opposed by anyone. Our current system, moreover, tilts in favour of positions advocated by corporate lobbyists who are paid to work the Hill and appear before committees time and again. People who volunteer their time to advance the public interest must take time off work or book holidays to share their knowledge with us. The paid lobbyist or industry association executive should not get repeated kicks at the can at their expense.

You may think Bill S-12 was my idea, but it was not. I was asked to introduce such a bill by many cottage associations and individuals who felt that this was a problem that needed resolution. I am not promoting my personal interest but, rather, the interest of people across the country.

It is time to amend our rules as the House of Commons has done. The Commons has this rule in place. In fact, the time is overdue. I sincerely hope that the Rules Committee will make this matter a priority and begin its work so that we may have a new, saner procedure soon.

On motion of Senator Stratton, for Senator Oliver, debate adjourned.

[Translation]

## DECENTRALIZATION OF FEDERAL DEPARTMENTS, AGENCIES AND CROWN CORPORATIONS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe calling the attention of the Senate to the benefits of the decentralization of federal departments, agencies and Crown corporations from the National Capital to the regions of Canada.—(*Honourable Senator Ringuette*)

**Hon. Pierrette Ringuette:** Honourable senators, I wish to draw the attention of the Senate to the issue of decentralizing the bureaucracy pursuant to the inquiry proposed by Senator Downe. This is not to be confused with the bureaucratic decentralization that consists in moving the offices outside Ottawa and the new Service Canada client services initiative.

As a former legislator from New Brunswick, I strongly support the Service New Brunswick approach, which facilitates access to government services for the people of my province. It is a wonderful challenge for public servants who work there, as they have to apply many skills and they are not limited to just one program, which often can be boring. It gives them greater job satisfaction and expands their professional horizons.

We must also recognize that our 308 riding offices are, in fact, one-stop services. In other words, they are Service Canada offices for people requiring a federal government service.

I can tell you with certainty that is the case for members representing the regions and small communities. Members and their staff answer questions from the public and direct people to the correct offices, the right staff, and information on program criteria. In short, we already have more than 350 one-stop offices across the country, although they are often viewed as being too political.

The experience of New Brunswick proved very successful, and the federal government could benefit from it in implementing Service Canada. However, I believe it is imperative that the federal operations of Service Canada be distinct from provincial

operations. In this respect, you will agree with me that, to provide better customer service, the first thing to do is to get rid of the totally exasperating telephone answering system and to replace it with real flesh and bone operators answering the calls. Some might argue that this is a top of the line system, the preferred choice of the private sector. My answer to that is that, in dealing with the private sector, consumers have options but the same competitive environment does not exist for public services, and consumers do not have a choice.

Every 10 years since the 1970s, successive governments have endeavoured to move, or decentralize, certain departments outside of Ottawa. Despite the opposition faced, the displaced departments did manage to reduce their property and human resources costs and have become engines of economic development for their new region.

That is what I call leadership. Millions of dollars can be spent on programs to stimulate economic development in and attract investors to a given region, but unless it is prepared to move its operations to that region, the federal government is only distorting the economic record of the region with nothing more than wishful thinking. The federal government knows that the regions need economic development tools; there is no question about it. That is why I call on our government to show the way to the private sector and move its operations to regions that need an economic boost.

• (1610)

It is certainly pleasant living in Ottawa and raising a family there, but the capital does not have the corner on quality of life in Canada. While it is well situated geographically, it does not necessarily reflect our identity as a people, as the Constitution will testify.

Indeed, after more than 23 years, our national capital has yet to be designated bilingual by the Government of Ontario. It is simply scandalous!

In addition, this same Government of Ontario has been complaining in recent months of the fiscal imbalance. So we ask: to what extent does the location of our national capital contribute to the income of the Province of Ontario?

Excluding Crown corporations and government agencies, over 40 per cent of federal public service jobs are located in Ontario, and 20 per cent are in Quebec. Most of this 60 per cent of jobs are located in the Outaouais region, the rest are in Toronto and Montreal, in limited numbers. This figure represents over 200,000 federal government jobs, and I am not including Crown corporations and agencies.

Assuming an annual average salary of \$55,000 per job, the total payroll amounts to some \$11 billion a year. Of this \$11 billion, some \$7.5 billion returns to Ontario alone. It could be said as well that this represents \$2.5 billion over and above the \$5 billion in fiscal imbalance the Government of Ontario is complaining about.



[English]

Honourable senators, you will certainly agree with me that an \$11 billion payroll will be welcome in any of our provinces.

**Senator Trenholme Counsell:** Hear, hear.

**Senator Ringuette:** It would remove them, too, from the equalization program and into the said financial contributor to the federation, like Ontario. They would certainly not complain about any fiscal imbalance, nor would they reject for 23 years the continuous request of Canadians to have a bilingual national capital.

As we say in our region, one should not complain with a full belly, or, as said elsewhere in the country, have your cake and eat it, too.

Honourable senators, I take this opportunity to highlight the positive impact of relocating one or more federal government operations in communities in my area, be it Grand Falls, Edmundston or Campbellton, New Brunswick. All these communities are able to provide bilingual services to all, and without additional training costs to the federal government.

In addition to luring private investment, the economic impact of relocating 1,000 federal jobs, or 0.3 per cent of federal public jobs, with an average of a \$55 million payroll for those 1,000 jobs per year forever would increase the value of our human resources and enrolment in school and local post-secondary programs; increase local job opportunities, thus retaining our youth; increase real estate value and retail store revenues, hotel and restaurant revenues and tourism potential; increase air and train traffic with its critical mass and, therefore, assure the viability of these services for our population and business community; increase property revenues to local government, in addition to increased income tax and provincial sales tax to the Government of New Brunswick, and reduce our reliance on equalization payments; increase the community volunteer base; increase the viability and revenue base for recreational facilities; reduce our economic dependency on the exploration of our natural resources; reduce seasonality of our regional economy; reduce our unemployment rate and the required benefits from the Employment Insurance Program; reduce operational costs for the federal government and burden on taxpayers; and reduce the increasing need for economic development funds for our region.

To add some perspective of the financial revenue of this scenario, one can look at the 2005-06 federal budget and identify that ACOA's budget for this fiscal year for economic development — and this for the entire Atlantic provinces — is \$45 million. This is \$10 million lower than relocating 1,000 federal jobs or 0.3 — not 1 per cent, 0.3 per cent — of these jobs. Just imagine what relocating 10,000 government jobs, or 3 per cent of the federal public service, would do to the economy of the Atlantic region.

Honourable senators, in no way am I proposing to replace ACOA with the relocation of federal public jobs, but I am insisting that we should have more of both, as does Ontario with its Federal Economic Development Initiative for Northern Ontario, FedNor.

There is no doubt in my mind that the above scenario is a win-win situation for all stakeholders. This scenario is also valid for many other communities across New Brunswick outside the golden triangle of Fredericton, Moncton and Saint John that have a stronger economic base and infrastructure from which to build on.

With the infinite communication outlet we have through high speed Internet, the logic to have the bureaucracy close to the legislative and executive arms of government no longer holds ground. I truly believe that the relocation of federal departments, Crown corporations and agencies should be a government priority.

This chamber should refer Senator Downe's inquiry to the Standing Senate Committee on National Finance for immediate study. The immediate study of this inquiry should bring concrete recommendations so as to press the government to accelerate the process of relocating the federal bureaucracy in communities where they would receive an immediate appreciation of their presence, including the direct and indirect repercussions on the fiscal and social economy of those small communities.

On motion of Senator Chaput, debate adjourned.

## THE SENATE

### MOTION TO AMEND RULE 32—SPEAKING IN THE SENATE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Corbin, seconded by the Honourable Senator Cook:

That the *Rules of the Senate* be amended by replacing Rule 32 with the following:

“32. (1) A Senator desiring to speak in the Senate shall rise in the place where that Senator normally sits and address the rest of the Senators.

(2) Any Senator who speaks in the Senate shall do so in one of the official languages.

(3) Notwithstanding subsection (2), a Senator desiring to address the Senate in Inuktitut shall so inform the Clerk of the Senate at least four hours before the start of that sitting of the Senate.

(4) The Clerk of the Senate shall make the necessary arrangements to provide interpretation of remarks made in Inuktitut into the two official languages.

(5) Remarks made in Inuktitut shall be published in the *Debates of the Senate* in the two official languages, with a note in the *Journals of the Senate* explaining that they were delivered in Inuktitut.”—(Honourable Senator Robichaud, P.C.)

Leave having been given to revert to Motion No. 82.

[ Senator Ringuette ]

**Hon. Charlie Watt:** Honourable senators, I would first like to express my appreciation, as well as that of Senator Adams, to Senator Corbin who had the initiative to move forward on this motion that he brought on April 13, 2005.

• (1620)

Honourable senators, I know that this matter was adjourned by Senator Robichaud, and I imagine that he will be speaking on this item. I rise to give notice that I strongly support this matter, and to say that it is timely. As all honourable senators are aware, being able to express yourself in your mother tongue is the best way to express yourself. I am not a complete stranger in wanting to be able to address certain important matters from time to time, when need be, in my mother tongue. I believe that is also true of Senator Adams.

Whatever we decide to do from an administrative point of view, the system must be consistent and stable.

Paragraph (3) states:

Notwithstanding subsection (2), a Senator desiring to address the Senate in Inuktitut shall so inform the Clerk of the Senate at least four hours before the start of that sitting of the Senate.

I believe that our focus should be on that paragraph. I will not dwell on this at this point because I feel that the matter should be addressed in committee. I will not even highlight what I consider to be the problem areas. We need to come up with the best solution to maintain stability, consistency and reliability. It is important that I address this issue before Senator Robichaud rises to speak to this matter which, I believe, he will be doing tomorrow.

**Hon. Joan Fraser:** Would Senator Watt accept a question?

**Senator Watt:** I would.

**Senator Fraser:** I preface this by saying that all my instincts say that this would be a positive change. My tendency is to say, "Let us do it right away." My concern, however, relates to the implications for other Aboriginal languages, of which there are quite a few. Currently we do not have a senator whose mother tongue is, for example, Mohawk or Cree.

**Senator Watt:** We have Senator Gill.

**Senator Fraser:** He may have views on this as well.

Has the honourable senator thought about how we could devise a regime that would be fair, moving forward in time, to all Aboriginal people, and that would still be workable in practice? Has the honourable senator given any thought to that?

**Senator Watt:** Yes and no. I understand what the honourable senator getting at. It is a problem that, from time to time, the chamber may have to resolve, depending on who is appointed to the Senate. I am fluent in Inuktitut. My mother tongue is Inuktitut. Senator Adams is also fluent in Inuktitut. With two

Inuk here, we can only speak for ourselves. I am sure Senator Gill can address this subject in his own way, if he so desires. I am not sure whether he speaks his native language. I cannot speak for anyone other than Senator Adams and myself on this issue.

This is a good start. It will not resolve every issue, but we will be able to respond immediately to certain matters. Of course, we will not be able to participate in the same way as those who speak English or French, particularly when we want to cross-examine a witness and so on. That may come somewhere down the line, but this is a good start.

I hope I have answered the honourable senator's question.

**Hon. John G. Bryden:** May I also ask Senator Watt a question?

**Senator Watt:** Yes, you may.

**Senator Bryden:** Over the last few years, we have been able to develop a system that allowed our good friend Senator Gauthier to participate fully in the functioning of the Senate. I do not know exactly how the system works, but it was refined to the point that he could, simultaneously, read on a screen what was being said in the chamber and in committees. Technology now allows for real time transcription of what is being said. We can go from voice to script, or from script in one language to script in another language, and, of course, we are familiar with using earphones for simultaneous interpretation. At the outset, would a system similar to that which made it possible for Senator Gauthier to function fully, given the disability that he had, be acceptable to the honourable senator?

Does Senator Watt think that, if a senator is appointed whose mother tongue is another of our Aboriginal languages, the language of that senator should be incorporated into this proposed rule?

**Senator Watt:** Those are issues on which we should focus in an effort to come up with some answers. I will not deal specifically with those matters at this point. However, the fact that technology has advanced so rapidly is something to consider. I believe that simultaneous translation would be most useful and that it could be provided. I would imagine that would be a subject of debate in committee.

Senator Adams mentioned the fact that Senator Gauthier used to have certain equipment and people around him to ensure that everything that was being said in the Senate could be followed. We may wish to discuss that in committee.

[Translation]

**Hon. Aurélien Gill:** First, I want to thank Senator Corbin for this excellent initiative. It is indicative of our respect for Aboriginal languages in this country.

The principle has yet to be fully defined; however, it has been established. Now, it is a matter of deciding how to implement it. I do not think that it will be necessary to provide the Senate or senators with forms when they want to exercise their prerogative. This initiative must not be viewed as a way of helping the handicapped. This is not a handicap.



Still the issue is extremely complex and it should be examined in terms of the objective. Naturally, implementing this initiative will mean taking a number of precautions. However, we must consider, above all, the needs of those who will be using this service.

So, I want to ask the Honourable Senator Watt to tell us what the ideal formula is. At present, we do not have a specific system in mind. We can appreciate the objective of this initiative but we still have to decide on the system. I do not know if Nunavut currently uses a specific system for translation or interpretation. Perhaps the Government of Nunavut has some models that might inspire and guide us in terms of the use of languages other than French or English.

• (1630)

[English]

**Senator Watt:** Thank you for your question, Senator Gill. I believe that at times in the legislatures of Nunavut and the Northwest Territories they deal with seven languages; so there is a system in place that is used every day. They have full interpreters in both legislatures who go from one language to another language and to another at any given time. We would like to achieve that ability as well. Let us see what we can do to advance this cause.

[Translation]

**Hon. Madeleine Plamondon:** Honourable senators, I have another question. Senator Viola Léger, Senator Sibbeston and I have just come back from the Northwest Territories. We noticed that they use far more than the two official languages there. There were more than ten languages being used, if I recall correctly. We had interpretation. With the help of a computer, you can receive the text in your language, but when you speak, you have to use one of the two official languages. Do you not think it is simultaneous interpretation, in fact, that makes it possible to respond quickly?

[English]

I believe that the only solution is simultaneous interpretation.

**Senator Watt:** Yes, I indicated that we would like to have permanent interpreters here, which could be beneficial not only to Senator Adams and me but also to all senators who then could follow easily in any language. Simultaneous interpretation is the way to achieve this goal. However, I am unsure at this time whether it is the Internal Economy Committee that would deal with this motion in respect of funding for such a system. I would think that an order would be required from the Senate.

**Senator Plamondon:** It is time to implement this proposal because there is money.

**Senator Stratton:** It was just spent — \$4.6 billion.

**The Hon. the Speaker *pro tempore*:** Senator Watt's time has expired but Senator Joyal has a question.

Is the honourable senator asking for leave to continue for five minutes? Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Hon. Serge Joyal:** Honourable senators, the motion of Senator Corbin raises an important question in respect of Constitutional implications, and I know that Senator Watt and Senator Adams are open to such questions. I would like to remind them that the use of both languages in Parliament is well defined in section 133 of the Constitution of Canada. I will read the first section of it:

Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses;

Section 16(1) of the Canadian Charter of Rights and Freedoms establishes a similar principle:

English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

This is the constitutional principle.

Senator Corbin raised an important point, which is the evolution that Canada has known over the years with the presence and participation of Aboriginal senators. Today, the language issue is Inuktitut, but Senator Gill raised an important question: What would happen in the coming months or years should senators be appointed who speak other Aboriginal languages? It is important to establish a principle and a solution to deal with this issue to address the current urgent problem of Inuktitut and to address a possible future need for other Aboriginal languages.

Senator Gill is right when he states that the current system provides a solution for someone who does not speak one of the two official languages as stated in the Constitution and in the Charter. However, we want to address how this house should deal with and manage a system whereby an Aboriginal language could be spoken by a senator and other senators could understand; in that way, there could be a true debate because debate includes not only speeches but also questions and answers.

Would it not be appropriate to refer the matter to the Official Languages Committee or to the Rules Committee for study rather than vote yea or nay on the motion now? The issue requires a solution for any and every Aboriginal language.

I am sympathetic to the motion of Senator Corbin and the concerns of Senator Watt and Senator Adams. Referral of the motion to committee for suggestions that would be practical according to the principles that we have to recognize and maintain in our institutions would be the best way to proceed.

**Senator Watt:** The senator rightly raises the constitutionality of this issue, although I was reluctant to speak to it. That is one of the reasons that section 35 is separate from the Charter of Rights

[ Senator Gill ]

and Freedoms. Many areas need to be dealt with that do not normally fall under the Charter of Rights and Freedoms because there are a number of conflicts between the Charter and section 35, as senators are aware.

Honourable senators, I agree with Senator Joyal's comments and his suggestion for greater study of the issue. I appreciate that the motion has been brought forward for debate because it is a good one. I, too, believe that it should be referred to committee as soon as possible for study.

On motion of Senator Robichaud, debate adjourned.

• (1640)

## REBUILDING OF SOUTHEAST ASIA AFTER TSUNAMI

### INQUIRY—DEBATE ADJOURNED

**Hon. Lorna Milne** rose pursuant to notice of April 20, 2005:

That she will call the attention of the senate to her recent visit to Indonesia and to Canada's efforts to help rebuild Southeast Asia after the tragic tsunami of December 26, 2004.

She said: Honourable senators, I was fortunate enough to visit Indonesia with the Speaker and two other senators from March 14 to 17. We were there to get a first-hand look at the work being done by Canada in response to the tragic tsunami of December 26, 2004.

I know that Indonesia is a country with which many of us are not familiar, so I would like to begin by giving you a sense of the geopolitical status of the country.

Indonesia is an archipelago of 18,000 islands that stretch in a vast curve from the Indian Ocean off Burma in the northwest, past Thailand, Malaysia, Vietnam and Hong Kong to the Coral Sea between the Philippines and Queensland in northeastern Australia. The chain of islands straddles the equator and stretches almost as far as the full width of Canada. It is anchored by four main islands: Sumatra in the far northwest; Java, where Jakarta, the capital city, is located; Borneo; and Papua-New Guinea. There are many different peoples within the country, speaking over 583 languages — and we think we have problems.

Indonesia is a republic, formed from the former territories of the Dutch East Indies. At the end of World War II, after the Japanese occupation of the region, Indonesian nationalists claimed their independence while the Dutch attempted to reassert control over the area. After a four-year war, Indonesia secured its independence in 1949.

Dr. Sukarno was the first President of Indonesia. His rule was unstable and marked by his unwillingness to follow the democratic constitution. He asserted dictatorial control.

In 1965, the Indonesian Communist Party attempted a coup d'état that failed. Major-General Suharto crushed the coup and

became the acting President in March 1967. His regime was still highly centralized but had some local democratic elements and followed a liberal pro-Western economic policy with heavy emphasis on foreign trade and investment.

This regime lasted until 1999, when an economic crisis and government corruption generated the fall of Suharto. Opposition parties were able to muster significant support in that election and 48 opposition parties were on the ballot. Since that time, Indonesia has had a democratic government.

Until the fall of 2004, Indonesia had a unicameral system of government, but under the new constitution the country now has two houses of Parliament, one of which is directly elected by popular vote in a non-partisan first-past-the-post system. These two houses combined to form a third house. The directly elected house, the Regional Representative Assembly, DPD, has only persuasive power. The other houses of Parliament are the People's Representative Assembly, DPR, where the parties are elected by proportional representation and then the representatives are chosen from party lists, and the People's Consultative Assembly, MPR, the most powerful house, whose chairman has the power to amend the constitution and also to veto any attempt to impeach the president of the country.

Indonesia is a beautiful and fertile country. The people seem happy in spite of the great poverty of much of the population. The great majority of people are Muslim — 88 per cent — but many emphasized to us that they are moderate Muslims, and the tradition in the country is that their Muslim faith arrived early on from the East — from China, not from the Arabic states.

For over 50 years, Canada has been a friend to Indonesia and has worked hard to assist Indonesians on their long path to a vibrant democracy. Canadian development assistance in Indonesia began in 1954. Indonesia became a CIDA core country in 1970. The total value of the bilateral program is now \$23 million a year. Additional tsunami relief funds will benefit the provinces of Aceh and North Sumatra. CIDA's existing program of assistance will continue in other parts of Indonesia, with particular attention to the island of Sulawesi. A new Country Development Programming Framework has been completed. In September 2004, CIDA began working from this new planning framework in the region.

The new framework has three thrusts: first, improving governance and improving the quality of decentralized social services; second, growing the private sector by assisting in the creation of economic opportunities; and third, sustaining the use of natural resources for the benefit of local people in order to generate income and improve livelihoods for the local poor.

I think this is a sound framework and that CIDA has done well to organize itself in this manner.

In spite of its fertile soils and very warm climate, Indonesia has many huge problems. Two of them have a real impact on the way that tsunami relief can be delivered. Indonesia has been rated by the United Nations as the most corrupt country in the world. It is also the country of the world most prone to natural disasters.



The new government is struggling to reduce corruption. The chairman of the MPR, Dr. Wahid, represents the Prosperous Justice Party, which is an Islamic party with a strong stance on corruption. The MPR has been pushing the government, led by President Yudhoyono and his multi-party cabinet, to enact reform. Let us hope he succeeds.

The country is also struggling with a small but violent separatist movement, GAP, which is trying to form a fundamentalist Muslim state in Aceh, the province most severely damaged by the tsunami. Aceh is fairly isolated at the northwestern tip of Sumatra. The area takes some pride in being the first part of Indonesia to accept Islam, as long ago as the 1400s, and some claim even earlier. As such, they believe that they do not belong with the rest of Indonesia and want to be left alone. They have been very violent in pursuing this goal.

Foreigners and foreign NGO groups were not allowed into Aceh until the tsunami due to the unstable situation there. Even now, most of the aid groups are there only on a temporary basis. The government has set a deadline for foreign military persons to leave. That was recently extended from the end of March to the end of May. Many of the NGOs now operating in the region are afraid they will also have to leave, and are operating in a vacuum with little long-term planning. Tourists and even visitors are pretty well unknown in Aceh, which is why there were no videos taken there of the overwhelming events of the tsunami as there were in Phuket, Thailand, a favourite tourist destination.

With that background, I want to turn to the painful story that led our group to Indonesia and Aceh. I will start by telling you about the devastation caused along this fairly flat coastline by the two devastating waves that hit it on December 26, 2004.

On that morning, an earthquake measuring about 9 on the Richter scale hit Indonesia, severely damaging many buildings and weakening others. Fifteen minutes later, the first wave hit the shore in Aceh. It was 25 metres high. The second wave was a wall of water and debris 30 metres high. That is as high as a 12-storey building.

On our arrival in Aceh, the first sign we saw of the tremendous power of the waves was a 13,000-tonne floating generating station — really a ship — that had been anchored offshore. This huge ship was picked up by the waves and deposited, still upright, two and a half kilometres inland in the middle of a crowded area of severely damaged small houses, right on top of many of them.

• (1650)

Down by the shore of what had been the old port of Banda Aceh, almost nothing was left but a severely damaged mosque and in the distance an obelisk, celebrating some event in the country's history, and one lone mammoth old tree. Everything else — docks, ships, warehouses, roads, shops and houses — had either been swept away or smashed into fist-sized chunks of gravel, leaving only a few broken and tilted foundation slabs and great windrows of rebar, rolled up like bales of hay, sitting in the water where the shoreline had once been.

Two-thirds of the island that held the old port is gone. The new port, built a few kilometres away, is also completely gone. The devastation looked just like pictures of Hiroshima in 1945.

Imagine standing on Parliament Hill and as far as you can see in every direction everything except the Peace Tower is gone, wiped out completely, smashed to bits. Imagine that total devastation in a two- to six-kilometre-wide band stretching all the way from Ottawa to Toronto. That is what happened along the northwest coastline of Aceh.

Standing on that devastated shore was an indescribable experience. In my limited experience, there are some places that have an aura about them. Stonehenge is one. A wee church that I visited in a small village in the Midlands of England is another. The old port of Banda Aceh is just such a place. There seemed to be almost a hush in the air as we stood, each of us seeming to be all alone, looking at destruction as far as the eye could see in every direction. It was awe-inspiring, devastating and I still do not have the words to describe it.

The destruction of human life was appalling. There were over 200,000 known dead in Aceh province alone and an estimated 70,000 to 80,000 people are still missing and probably dead. In addition, there are about 450,000 internally-displaced persons who have lost their homes, their businesses and often their families. Approximately 4,500 schools have been destroyed. Hospitals are gone. Even the garbage trucks and their drivers are gone. There is no way to pick up the trash that is already piling up around the government-built barracks they are beginning to move the newly homeless people into.

I spoke to a member of the Indonesian government who told me that not only were most of his family and friends dead, but his entire constituency was gone. Villages lay entirely in rubble. Most of the land was completely washed away.

Cleanup is going on everywhere, mostly by hand. Some heavy equipment has survived and is still being put to use in a few places, but many of the isolated communities along the shore still cannot be reached by road or sea because all the roads, docks and wharves are gone. They are still finding about 100 bodies a day in the wreckage and they are being buried in two mass graves in Banda Aceh.

One good thing has happened in the negative: The widely expected second tsunami of epidemic disease did not happen. In other words, the immediate medical emergency response that poured into Aceh after the tsunami was extremely effective. I spoke to a nurse heading home to Southern Alberta within a few days and she was extremely proud of what they had accomplished, indeed, prevented.

By the time we reached Aceh, two and a half months after the event, the temporary hospitals were dealing with longstanding prior tsunami medical situations, such as cancer, prostate problems, many facial deformities, cleft palates and the like, but not with the outbreaks of disease and no longer with the injuries resulting from the wave.

Barracks are being constructed throughout the area for temporary housing. They consist of rows of single rooms, six or more to each side of a back-to-back unit. Each room is about four metres square, with one rough door and one unglazed window, and each holds an entire, often extended, family. They are not much, but they are far better than the rough camps of tents and tarpaulins where the people originally sheltered. Garbage was already piling up around most of them, although there were signs of some fresh digging, possibly for latrines or for drainage. Remember, the garbage trucks and their drivers are gone.

The group of barracks that we visited, one of 13 child-friendly spaces supported by Canadian donations, had no garbage around. It had a supply of clean water. Sanitary facilities and corrugated tin cooking shelters had been erected, but still there was no cooking equipment, not even a primitive stove that I could see. The food all seemed to be provided communally.

One of the woman there, who was well-educated and spoke English well, proudly invited me in to see her "home." She shared it with her daughter, her husband and his mother. The 16-square-metre area had one corner curtained off with a tarpaulin for privacy, but her bed was a thin pad on the floor under the single window. One piece of good furniture had been saved.

**The Hon. the Speaker pro tempore:** I regret to inform the honourable senator that her time has expired.

Are you seeking leave to continue?

**Senator Milne:** Honourable senators, I have to admit that I have six pages left to read. If I could be granted five minutes, I will read quickly.

**Hon. Senators:** Agreed.

**Senator Milne:** Thank you, honourable senators.

She had a cooking pot, a wok and half of a salvaged spool for electrical cable serving as a low table. They had no chairs. They did have a television set. The question that she asked was: "What will become of us?" I felt guilty because I could not answer her.

Frankly, both the Indonesian government and the local government have been completely overwhelmed and are still trying to come up with a plan to deal with the devastation. Thus far their solutions seemed to be fairly unilateral, without proper consultation or consideration of the wishes of the people involved, the victims.

They have identified three phases of the recovery plan. The first phase, the short-term emergency response, is over. Canada was one of the first countries to establish a presence on the ground in Aceh. We provided emergency assistance of \$500,000 through the Canada Fund for Local Initiatives. We also approved a \$650,000 project for the Indonesian Red Cross to rebuild and

improve the only blood collection facility in Banda Aceh. More than 30 tons of emergency supplies and generators were flown in. World Vision Canada brought in two plane loads of pharmaceuticals, medical supplies and water purification equipment.

The second phase of recovery has started — rehabilitation. Housing of a sort is being built and cleanup is underway. However, these barracks are poorly sited, with inadequate sanitation and no sources of water nearby. The roads are gradually being cleaned out to the more remote coastal communities, but many villages and the original roads are now under water and cannot be reached, improved or mended.

The third phase will be the more difficult one and that is sustainable recovery. Canada, through CIDA, committed itself to assist in rebuilding the system of local governance and the sustainability in agriculture, fishing and forestry as part of its goal in this long-term phase. That will take years.

The aim of the Indonesian government is more immediate: to restore the lives of people — water, shelter, income, infrastructure, to restore the economy, to re-establish the province as politically stable and economically vibrant. This will be difficult given the 29-year history of the violent separatist movement in the area.

Our part will involve building on existing programs such as McGill's long-time cooperative program with the Islamic University in Banda Aceh.

Cleaning up the corruption will be difficult because the present governor of the province is in jail on charges of corruption. His place has been filled by the deputy governor, a nice man but who apparently does not have the local support or the political clout to carry on a great deal. They are trying, though.

I will leave it to others of our delegation to tell you about our visit to a food centre and more about child-friendly spaces.

I do want to tell honourable senators about the little women that I met at the Islamic University. Is my time up?

**The Hon. the Speaker pro tempore:** Yes, it is.

**Senator Milne:** These were tiny little women. They looked as though they were 9 or 10 years of age, but their ages were actually 19 to 24. Not one of them was over 100 pounds. They all asked me: "What will become of us?" Honourable senators, what will become of them?

On motion of Senator Plamondon, debate adjourned.

The Senate adjourned until Wednesday, May 4, 2005, at 1:30 p.m.





## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate



**THE SPEAKER**

The Honourable Daniel Hays

**THE LEADER OF THE GOVERNMENT**

The Honourable Jack Austin, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable Noël A. Kinsella

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**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

**DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES**

Gary O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

Terrance J. Christopher

## THE MINISTRY

According to Precedence

(May 3, 2005)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. Jean-C. Lapierre	Minister of Transport
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs and Minister of Human Resources and Skills Development
The Hon. Stéphane Dion	Minister of the Environment
The Hon. Pierre Stewart Pettigrew	Minister of Foreign Affairs
The Hon. Andy Scott	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Agriculture and Agri-Food
The Hon. William Graham	Minister of National Defence
The Hon. Albina Guarnieri	Minister of Veterans Affairs
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Leader of the Government in the House of Commons
The Hon. M. Aileen Carroll	Minister of International Cooperation
The Hon. Irwin Cotler	Minister of Justice and Attorney General of Canada
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Canadian Heritage and Minister responsible for Status of Women
The Hon. Giuseppe (Joseph) Volpe	Minister of Citizenship and Immigration
The Hon. Joseph Frank Fontana	Minister of Labour and Housing
The Hon. Scott Brison	Minister of Public Works and Government Services
The Hon. Ujjal Dosanjh	Minister of Health
The Hon. Ken Dryden	Minister of Social Development
The Hon. David Emerson	Minister of Industry
The Hon. Ethel Blondin-Andrew	Minister of State (Northern Development)
The Hon. Raymond Chan	Minister of State (Multiculturalism)
The Hon. Claudette Bradshaw	Minister of State (Human Resources Development)
The Hon. John McCallum	Minister of National Revenue
The Hon. Stephen Owen	Minister of Western Economic Diversification and Minister of State (Sport)
The Hon. Joseph McGuire	Minister of the Atlantic Canada Opportunities Agency
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Jacques Saada	Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie
The Hon. John Ferguson Godfrey	Minister of State (Infrastructure and Communities)
The Hon. Tony Ianno	Minister of State (Families and Caregivers)



## SENATORS OF CANADA

## ACCORDING TO SENIORITY

(May 3, 2005)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.

Senator	Designation	Post Office Address
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Ontario	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.



## SENATORS OF CANADA

## ALPHABETICAL LIST

(May 3, 2005)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Regina	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Buchanan, John, P.C.	Halifax	Halifax, N.S.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Liberal
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	Progressive Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Liberal
Finnerty, Isobel	Ontario	Burlington, Ont.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	Conservative
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac.	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel, <i>Speaker</i>	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	Conservative
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kirby, Michael	South Shore	Halifax, N.S.	Liberal
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory	Ontario	Manotick, Ont.	Conservative
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Liberal
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lynch-Staunton, John	Grandville	Georgeville, Que.	Conservative
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Ontario	Toronto, Ont.	Progressive Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pearson, Landon	Ontario	Ottawa, Ontario	Liberal
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal



**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
(May 3, 2005)

**ONTARIO—24**

Senator	Designation	Post Office Address
<b>THE HONOURABLE</b>		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Lorna Milne	Peel County	Brampton
16 Marie-P. Poulin	Northern Ontario	Ottawa
17 Francis William Mahovlich	Toronto	Toronto
18 Vivienne Poy	Toronto	Toronto
19 Isobel Finnerty	Ontario	Burlington
20 David P. Smith, P.C.	Cobourg	Toronto
21 Mac Harb	Ontario	Ottawa
22 Jim Munson	Ottawa/Rideau Canal	Ottawa
23 Art Eggleton, P.C.	Ontario	Toronto
24 Nancy Ruth	Ontario	Toronto

## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 John Lynch-Staunton	Grandville	Georgeville
4 Jean-Claude Rivest	Stadacona	Quebec
5 Marcel Prud'homme, P.C.	La Salle	Montreal
6 W. David Angus	Alma	Montreal
7 Pierre Claude Nolin	De Salaberry	Quebec
8 Lise Bacon	De la Durantaye	Laval
9 Céline Hervieux-Payette, P.C.	Bedford	Montreal
10 Shirley Maheu	Rougemont	Ville de Saint-Laurent
11 Lucie Pépin	Shawinigan	Montreal
12 Marisa Ferretti Barth	Repentigny	Pierrefonds
13 Serge Joyal, P.C.	Kennebec	Montreal
14 Joan Thorne Fraser	De Lorimier	Montreal
15 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
16 Jean Lapointe	Saurel	Magog
17 Michel Biron	Milles Isles	Nicolet
18 Raymond Lavigne	Montarville	Verdun
19 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
20 Madeleine Plamondon	The Laurentides	Shawinigan
21 Roméo Antonius Dallaire	Gulf	Sainte-Foy
22		
23		
24		



## SENATORS BY PROVINCE-MARITIME DIVISION

## NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 John Buchanan, P.C.	Halifax	Halifax
5 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
6 Wilfred P. Moore	Stanhope St./Bluenose	Chester
7 Jane Cordy	Nova Scotia	Dartmouth
8 Gerard A. Phalen	Nova Scotia	Glace Bay
9 Terry M. Mercer	Northend Halifax	Caribou River
10 James S. Cowan	Nova Scotia	Halifax

## NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Viola Léger	Acadie/New Brunswick	Moncton
7 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
8 Pierrette Ringuette	New Brunswick	Edmundston
9 Marilyn Trenholme Counsell	New Brunswick	Sackville
10		

## PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

## SENATORS BY PROVINCE-WESTERN DIVISION

## MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak . . . . .	Manitoba . . . . .	Winnipeg
2 Janis G. Johnson . . . . .	Winnipeg-Interlake . . . . .	Gimli
3 Terrance R. Stratton . . . . .	Red River . . . . .	St. Norbert
4 Sharon Carstairs, P.C. . . . .	Manitoba . . . . .	Victoria Beach
5 Maria Chaput . . . . .	Manitoba . . . . .	Sainte-Anne
6 . . . . .	. . . . .	. . . . .

## BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C. . . . .	Vancouver South . . . . .	Vancouver
2 Pat Carney, P.C. . . . .	British Columbia . . . . .	Vancouver
3 Gerry St. Germain, P.C. . . . .	Langley-Pemberton-Whistler . . . . .	Maple Ridge
4 Ross Fitzpatrick . . . . .	Okanagan-Similkameen . . . . .	Kelowna
5 Mobina S.B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver
6 . . . . .	. . . . .	. . . . .

## SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk . . . . .	Regina . . . . .	Regina
2 Leonard J. Gustafson . . . . .	Saskatchewan . . . . .	Macoun
3 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
4 Pana Merchant . . . . .	Saskatchewan . . . . .	Regina
5 Robert W. Peterson . . . . .	Saskatchewan . . . . .	Regina
6 Lillian Eva Dyck . . . . .	Saskatchewan . . . . .	Saskatoon

## ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays, <i>Speaker</i> . . . . .	Calgary . . . . .	Calgary
2 Joyce Fairbairn, P.C. . . . .	Lethbridge . . . . .	Lethbridge
3 Tommy Banks . . . . .	Alberta . . . . .	Edmonton
4 Claudette Tardif . . . . .	Alberta . . . . .	Edmonton
5 Grant Mitchell . . . . .	Alberta . . . . .	Edmonton
6 Elaine McCoy . . . . .	Alberta . . . . .	Calgary



## SENATORS BY PROVINCE AND TERRITORY

## NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody . . . . .	Harbour Main-Bell Island . . . . .	St. John's
2 Ethel Cochrane . . . . .	Newfoundland and Labrador . . . . .	Port-au-Port
3 William H. Rompkey, P.C. . . . .	North West River, Labrador . . . . .	North West River, Labrador
4 Joan Cook . . . . .	Newfoundland and Labrador . . . . .	St. John's
5 George Furey . . . . .	Newfoundland and Labrador . . . . .	St. John's
6 George S. Baker, P.C. . . . .	Newfoundland and Labrador . . . . .	Gander

## NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston . . . . .	Northwest Territories . . . . .	Fort Simpson

## NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams . . . . .	Nunavut . . . . .	Rankin Inlet

## YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen . . . . .	Yukon Territory . . . . .	Whitehorse

## ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of May 3, 2005)

\*Ex Officio Member

## ABORIGINAL PEOPLES

Chair: Honourable Senator Sibbeston

Deputy Chair: Honourable Senator St. Germain

## Honourable Senators:

Angus,	Christensen,	* Kinsella,	Sibbeston,
* Austin,	Fitzpatrick,	(or Stratton)	St. Germain,
(or Rompkey)	Gustafson,	Léger,	Tardif,
Buchanan,		Pearson,	Watt.

*Original Members as nominated by the Committee of Selection*

Angus, \*Austin, (or Rompkey), Buchanan, Christensen, Fitzpatrick, Gustafson,  
 \*Kinsella (or Stratton), Léger, Mercer, Pearson, Sibbeston, St. Germain, Trenholme Counsell, Watt

## AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

## Honourable Senators:

* Austin,	Gill,	* Kinsella,	Oliver,
(or Rompkey)	Gustafson,	(or Stratton)	Peterson,
Callbeck,	Hubley,	Mercer,	Tkachuk.
Fairbairn,	Kelleher,		

*Original Members as nominated by the Committee of Selection*

\*Austin, (or Rompkey), Callbeck, Fairbairn, Gustafson, Harb, Hubley, Kelleher,  
 \*Kinsella (or Stratton), Mahovlich, Mercer, Oliver, Ringuette, Sparrow, Tkachuk.

## BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

## Honourable Senators:

Angus,	Fitzpatrick,	Kelleher,	Meighen,
* Austin,	Grafstein,	* Kinsella,	Moore,
(or Rompkey)	Harb,	(or Stratton)	Plamondon,
Biron,	Hervieux-Payette,	Massicotte,	Tkachuk.

*Original Members as nominated by the Committee of Selection*

Angus, \*Austin, (or Rompkey), Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, Kelleher,  
 \*Kinsella (or Stratton), Massicotte, Meighen, Moore, Plamondon, Tkachuk.



## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

## Honourable Senators:

Adams,	Buchanan,	Hubley,	Lavigne,
Angus,	Christensen,	Kenny,	Milne,
* Austin,	Cochrane,	* Kinsella,	Spivak.
(or Rompkey)	Gustafson,	(or Stratton)	
Banks,			

*Original Members as nominated by the Committee of Selection*

*Adams, Angus, \*Austin, (or Rompkey), Banks, Buchanan, Christensen, Cochrane, Finnerty, Gill, Gustafson, \*Kinsella (or Stratton), Lavigne, Milne, Spivak.*

## FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Hubley

## Honourable Senators:

Adams,	De Bané,	* Kinsella	Merchant,
* Austin,	Hubley,	(or Stratton)	Phalen,
(or Rompkey)	Johnson,	Mahovlich,	St. Germain,
Comeau,		Meighen,	Watt.

*Original Members as nominated by the Committee of Selection*

*Adams, \*Austin, (or Rompkey), Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, \*Kinsella (or Stratton), Mahovlich, Meighen, Phalen, St. Germain, Watt.*

## FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

## Honourable Senators:

Andreychuk,	Corbin,	Eyton,	Mahovlich,
* Austin,	De Bané,	Grafstein,	Prud'homme,
(or Rompkey)	Di Nino,	* Kinsella,	Robichaud,
Carney,	Downe,	(or Stratton)	Stollery.

*Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin, (or Rompkey), Carney, Corbin, De Bané, Di Nino, Downe, Eyton, Grafstein, \*Kinsella (or Stratton), Poy, Prud'homme, Robichaud, Stollery.*

## HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Pearson

## Honourable Senators:

Andreychuk,	Ferretti Barth,	LeBreton,	Pearson,
* Austin,	Kinsella,	Losier-Cool,	Pépin,
(or Rompkey)	(or Stratton)	Oliver,	Poy.
Carstairs,			

*Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin (or Rompkey), Carstairs, Ferretti Barth, \*Kinsella (or Stratton),  
LaPierre, LeBreton, Oliver, Pearson, Poulin, Poy.*

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

## Honourable Senators:

* Austin,	De Bané,	Keon,	Nolin,
(or Rompkey)	Di Nino,	* Kinsella,	Poulin,
Bank,	Furey,	(or Stratton)	Smith,
Cook,	Jaffer,	Lynch-Staunton,	Stratton.
Day,	Kenny,	Massicotte,	

*Original Members as nominated by the Committee of Selection*

*\*Austin, (or Rompkey), Banks, Cook, Day, De Bané, Di Nino, Furey, Jaffer, Kenny, Keon,  
\*Kinsella (or Stratton), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.*

## LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Eyton

## Honourable Senators:

Andreychuk,	Eyton,	Mercer,	Ringuette,
* Austin,	Joyal,	Milne,	Rivest,
(or Rompkey)	* Kinsella,	Nolin,	Sibbeston.
Bacon,	(or Stratton)	Pearson,	
Cools,			

*Original Members as nominated by the Committee of Selection*

*Andreychuk, \*Austin, (or Rompkey), Bacon, Cools, Eyton, Joyal, \*Kinsella (or Stratton),  
Mercer, Milne, Nolin, Pearson, Ringuette, Rivest, Sibbeston.*



## LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Vice-Chair:

Honourable Senators:

Lapointe, LeBreton,	Poy,	Stratton,	Trenholme Counsell.
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*Original Members agreed to by Motion of the Senate  
Lapointe, LeBreton, Poy, Stratton, Trenholme Counsell.*

## NATIONAL FINANCE

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Day

Honourable Senators:

* Austin, (or Rompkey) Biron, Comeau,	Cools, Day, Downe, Ferretti Barth,	Harb, * Kinsella, (or Stratton) Mitchell,	Murray, Oliver, Ringuette, Stratton.
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*Original Members as nominated by the Committee of Selection*

\* Austin, (or Rompkey), Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb,  
\* Kinsella (or Stratton), Mahovlich, Murray, Oliver, Ringuette, Stratton.

## NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins, * Austin, (or Rompkey) Banks,	Cordy, Day, Forrestall,	Kenny, * Kinsella, (or Stratton)	Meighen, Munson, Nolin.
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*Original Members as nominated by the Committee of Selection*

Atkins, \* Austin, (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny,  
\* Kinsella (or Stratton), Lynch Staunton, Meighen, Munson.

## VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

## Honourable Senators:

Atkins,	Day,	* Kinsella,	Meighen.
* Austin,	Forrestall,	(or Stratton)	
(or Rompkey)	Kenny,		

## OFFICIAL LANGUAGES

Chair: Honourable Senator Corbin

Deputy Chair: Honourable Senator Buchanan

## Honourable Senators:

* Austin,	Chaput,	Jaffer,	Léger,
(or Rompkey)	Comeau,	* Kinsella,	Murray,
Buchanan,	Corbin,	(or Stratton)	Tardif.

*Original Members as nominated by the Committee of Selection**\*Austin, (or Rompkey), Chaput, Comeau, Corbin, Jaffer, \*Kinsella (or Stratton), Lavigne, Léger, Meighen, Merchant, St. Germain.*

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Lynch-Staunton

## Honourable Senators:

Andreychuk,	Di Nino,	* Kinsella,	Milne,
* Austin,	Fraser,	(or Stratton)	Mitchell,
(or Rompkey)	Furey,	LeBreton,	Robichaud,
Chaput,	Jaffer,	Lynch-Staunton,	Smith.
Cools,	Joyal,	Maheu,	

*Original Members as nominated by the Committee of Selection**Andreychuk, \*Austin, (or Rompkey), Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal, \*Kinsella (or Stratton), LeBreton, Lynch Staunton, Maheu, Milne, Poulin, Robichaud, Smith.*



## SCRUTINY OF REGULATIONS (Joint)

**Joint Chair: Honourable Bryden**

**Vice-Chair:**

**Honourable Senators:**

Baker,	Bryden,	Kelleher,	Moore,
Biron,	Hervieux-Payette,	Lynch-Staunton,	Nolin.

*Original Members as agreed to by Motion of the Senate*

*Baker, Biron, Bryden, Hervieux-Payette, Kelleher, Lynch-Staunton, Moore, Nolin.*

## SELECTION

**Chair: Honourable Senator Losier-Cool**

**Deputy Chair: Honourable Senator LeBreton**

**Honourable Senators:**

* Austin,	Carstairs,	* Kinsella,	Losier-Cool,
(or Rompkey)	Comeau,	(or Stratton)	Rompkey,
Bacon,	Fairbairn,	LeBreton,	Stratton,
			Tkachuk.

*Original Members agreed to by Motion of the Senate*

*\* Austin, (or Rompkey), Bacon, Carstairs, Comeau, Fairbairn,  
\* Kinsella (or Stratton), LeBreton, Losier-Cool, Rompkey, Stratton, Tkachuk.*

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

**Chair: Honourable Senator Kirby**

**Deputy Chair: Honourable Senator Keon**

**Honourable Senators:**

* Austin,	Cook,	Johnson,	Kirby,
(or Rompkey)	Cordy,	Keon,	LeBreton,
Callbeck,	Fairbairn,	* Kinsella,	Pépin,
Cochrane,	Gill,	(or Stratton)	Trenholme Counsell.

*Original Members as nominated by the Committee of Selection*

*\* Austin, (or Rompkey), Callbeck, Cochrane, Cook, Cordy, Fairbairn, Gill, Johnson,  
Keon, \* Kinsella (or Stratton), Kirby, LeBreton, Morin, Pépin.*

## TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Tkachuk

## Honourable Senators:

* Austin, (or Rompkey)	Eyton, Fraser, Johnson,	* Kinsella, (or Stratton) Merchant,	Munson, Phalen, Tkachuk, Trenholme Counsell.
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*Original Members as nominated by the Committee of Selection*

*\* Austin, (or Rompkey), Baker, Carney, Eyton, Fraser, Gill, Johnson,  
\* Kinsella (or Stratton), LaPierre, Merchant, Munson, Phalen, Tkachuk, Trenholme Counsell.*

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## THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Lynch-Staunton

## Honourable Senators:

Andreychuk, * Austin, (or Rompkey) Day,	Fairbairn, Fraser, Jaffer,	Joyal, * Kinsella, (or Stratton)	Lynch-Staunton, Smith.
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*Original Members as nominated by the Committee of Selection*

*Andreychuk, \* Austin, P.C (or Rompkey), Day, Fairbairn, Fraser, Harb,  
Jaffer, Joyal, \* Kinsella (or Stratton), Lynch-Staunton.*

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# CONTENTS

Tuesday, May 3, 2005

## SENATORS' STATEMENTS

<b>Canada Book Day</b>	
Hon. Joyce Fairbairn .....	1120
Hon. John Lynch-Staunton .....	1120
<b>The Charter of Rights and Freedoms</b>	
Twentieth Anniversary of Proclamation of Section 15.	
Hon. Serge Joyal .....	1120
<b>The Late Christina McCall</b>	
Hon. Jeremiah S. Grafstein .....	1121
<b>National Palliative Care Week</b>	
Hon. Sharon Carstairs .....	1122
<b>National Defence</b>	
Operation Athena—Ceremony Honouring Soldiers Who Served in Afghanistan.	
Hon. Lucie Pépin .....	1122

## ROUTINE PROCEEDINGS

<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
Report of Committee.	
Hon. Joseph A. Day .....	1122
<b>Canada-United States Inter-Parliamentary Group</b>	
Partnership Day and Meetings with U.S. Legislators, March 1-2, 2005—Report Tabled.	
Hon. Jeremiah S. Grafstein .....	1122
<b>Canada-Europe Parliamentary Association</b>	
Meeting of Standing Committee of Parliamentarians of Arctic Region, February 28-March 2, 2005—Report Tabled.	
Hon. Lorna Milne .....	1123
<b>Foreign Affairs</b>	
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.	
Hon. Peter A. Stollery .....	1123
<b>Changes to Budget 2005</b>	
Notice of Inquiry.	
Hon. Gerald J. Comeau .....	1123
<b>Province of Alberta</b>	
Notice of Inquiry.	
Hon. Grant Mitchell .....	1123

## QUESTION PERIOD

<b>Foreign Affairs</b>	
Germany—New Embassy.	
Hon. Noël A. Kinsella .....	1123
Hon. Jack Austin .....	1123
<b>International Trade</b>	
Doha Round—State of Negotiations on Agriculture— European Union and United States Subsidies.	
Hon. Leonard J. Gustafson .....	1124
Hon. Jack Austin .....	1124
<b>Finance</b>	
Changes to Budget 2005— Consultation with Provinces and Territories.	
Hon. W. David Angus .....	1125
Hon. Jack Austin .....	1125

<b>Ontario—Discussions on Federal Funding Gap.</b>	
Hon. W. David Angus .....	1125
Hon. Jack Austin .....	1125
<b>Changes to Budget 2005—Terms of Agreement with New Democratic Party.</b>	
Hon. David Tkachuk .....	1126
Hon. Jack Austin .....	1126

<b>Justice</b>	
Commission of Inquiry into Sponsorship Program and Advertising Activities—Allegations of Kickbacks to Liberal Party.	
Hon. Gerry St. Germain .....	1126
Hon. Jack Austin .....	1126

<b>Delayed Answers to Oral Questions</b>	
Hon. Bill Rompkey .....	1127

<b>Health</b>	
Test Kits Containing Mislabeled Strain of Influenza— Responsibility for Testing Workers in Affected Labs— Review of Procedure Surrounding Importation of Virus Samples. Question by Senator Keon.	
Hon. Bill Rompkey (Delayed Answer) .....	1127

<b>Transport</b>	
Test Kits Containing Mislabeled Strains of Influenza— Movement and Handling of Deadly Viruses. Question by Senator Keon.	
Hon. Bill Rompkey (Delayed Answer) .....	1128

<b>The Environment</b>	
Kyoto Protocol—Plan of Compliance. Question by Senator Gustafson.	
Hon. Bill Rompkey (Delayed Answer) .....	1128

<b>International Trade</b>	
Bovine Spongiform Encephalopathy—Closure of Border to Canadian Cattle—Intervenor Status in Montana Court Case. Question by Senator Gustafson.	
Hon. Bill Rompkey (Delayed Answer) .....	1129

<b>Transport</b>	
Report of Federal Advisory Committee on Marine Atlantic Ferry Service. Question by Senator Cochrane.	
Hon. Bill Rompkey (Delayed Answer) .....	1129

<b>Speaker's Ruling</b>	
The Hon. the Speaker .....	1129

## ORDERS OF THE DAY

<b>Bankruptcy and Insolvency Act (Bill S-28)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Noël A. Kinsella .....	1130
Hon. Bill Rompkey .....	1132

<b>National Cancer Strategy Bill (Bill S-26)</b>	
Second Reading—Debate Continued.	
Hon. Marilyn Trenholme Counsell .....	1133

<b>Official Languages</b>	
Budget and Authorization to Travel—Report of Committee on Study of Operation of Official Languages Act and Relevant Regulations, Directives and Reports Adopted.	
Hon. Eymard G. Corbin .....	1135

	PAGE
<b>Aboriginal Peoples</b>	
Budget—Report of Committee on Study of Involvement of Aboriginal Communities and Businesses in Economic Development Activities Adopted.	
Hon. Nick G. Sibbeston .....	1135
<b>Business of the Senate</b>	
Hon. Bill Rompkey .....	1135
<b>Study on Development and Marketing of Value-added Agricultural, Agri-food and Forest Products</b>	
Report of Agriculture and Forestry Committee— Debate Continued.	
Hon. Leonard J. Gustafson .....	1136
<b>Rules, Procedures and the Rights of Parliament</b>	
Motion to Allow Reintroduction of Bills from One Parliamentary Session to the Next—Debate Adjourned.	
Hon. Mira Spivak .....	1138

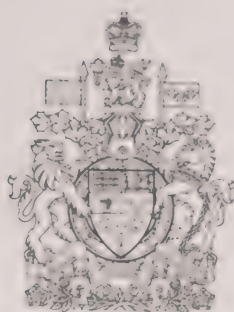
	PAGE
<b>Decentralization of Federal Departments, Agencies and Crown Corporations</b>	
Inquiry—Debate continued.	
Hon. Pierrette Ringuette .....	1139
<b>The Senate</b>	
Motion to Amend Rule 32—Speaking in the Senate Debate Continued.	
Hon. Charlie Watt .....	1141
Hon. Joan Fraser .....	1141
Hon. John G. Bryden .....	1141
Hon. Aurélien Gill .....	1141
Hon. Madeleine Plamondon .....	1142
Hon. Serge Joyal .....	1142
<b>Rebuilding of Southeast Asia After Tsunami</b>	
Inquiry—Debate Adjourned.	
Hon. Lorna Milne .....	1143
<b>Appendix</b> .....	1





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CANADA

# Debates of the Senate

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38th PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)



**Wednesday, May 4, 2005**



THE HONOURABLE DANIEL HAYS  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, May 4, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### BRITISH COLUMBIA

##### KELOWNA—CENTENNIAL CELEBRATIONS

**Hon. Ross Fitzpatrick:** Honourable senators, I am happy to advise that tomorrow I will have the honour to participate in the City of Kelowna's centennial celebrations reflecting its past and embracing its future. At its incorporation, May 5, 1905, Kelowna was primarily a cattle-raising and fruit-growing agricultural settlement of 600 people. Today, after 100 years of progress, Kelowna has become British Columbia's largest city outside the Lower Mainland and Victoria, and one of the fastest growing areas in Canada. It is a city with a colourful past and an unlimited future, and I am proud that my family's association dates back to 1913 as pioneer fruit growers.

Owing to its location along the shore of beautiful Lake Okanagan and its unique geography, Kelowna is blessed with a magnificent temperate climate with long, sunny summers and short, mild winters. This has led to its becoming a popular tourist destination with year-round attractions. In addition to its tourism sector, the city features a diverse and vibrant economy. It is the centre of a premium fruit- and vegetable-growing economy; a world-class wine region; a modern, flourishing aerospace industry; and an award-winning, innovative biotechnology sector.

What pleases me most, honourable senators, is that Kelowna's economic progress has been guided by environmental responsibility. Kelowna residents enjoy much good fortune and through participation in such initiatives as the Okanagan Partnership, which is a collaborative economic program applying green, sustainable, economic development principles to the whole Okanagan Valley, they are taking the appropriate steps to ensure that future generations will be able to enjoy the same enviable quality of life that we enjoy now.

### CITIZENSHIP AND IMMIGRATION

#### COMMENTS BY MINISTER

**Hon. Donald H. Oliver:** Honourable senators, I rise today to call the attention of senators to some language used by a minister of the Crown that many of us find unprofessional. I refer specifically to comments attributed to Joseph Volpe, Minister of Citizenship and Immigration. In a Canadian Press story by Terry Pedwell reported today, Immigration Minister Joseph Volpe compared Conservatives to the Ku Klux Klan. The article states:

The Opposition party is made up of racists, Volpe said Tuesday, calling members recognizable "notwithstanding that they don't have their cowl and their cape."

The minister added:

The Klan looks like it's still very much alive.

Later in the article, the minister is quoted as stating:

I think these are a couple of fine, upstanding members of the new Conservative Klan...

Honourable senators, I am a member of the opposition party and I am a member of the Conservative Party of Canada, and I take exception to allegations of me being a racist. Many of us on this side have spent decades fighting for equality, fairness and to break down racist barriers in Canada. I speak specifically of my leader, Senator Noël Kinsella, who for years has not only been a professor of human rights law but has been a strong advocate for equity and fairness. I also refer to the extensive work done by the Chairman of the Standing Senate Committee on Human Rights, Senator Andreychuk. I have spoken several dozen times in this chamber about the need for fairness and equality in our judgment of other people.

The language of Minister Volpe evoking images of Ku Klux Klan members with their cowls and capes has done a disgraceful disservice to all parliamentarians, particularly those who have fought so valiantly to combat racism. More importantly, he has belittled and trivialized the experience of many Canadians who have been victims of racism.

Quite frankly, honourable senators, I cannot understand why a minister of the Crown would use such charged imagery when, in fact, it bears no connection or relationship to members Richardson or Schmidt or other Conservative members of Parliament. The language was insulting and unbecoming a member of Parliament and, in particular, a member of Her Majesty's Privy Council.

Honourable senators, thousands of visible minorities in Canada have been held back, discriminated against and treated as less than equal Canadians because of their colour or their race. Any person who has been discriminated against and who has been denied an opportunity or who has been shunned on the basis of race will immediately recognize the insensitivity and disrespect of these words from the minister.

I am certain the minister would want to immediately apologize for the misunderstanding that the implications of his statement have made to Canadians from coast to coast. This flagrant act of partisan politics by a member of a minority government is shameful and cries out for a clear and unequivocal apology.

## SASKATCHEWAN

## CENTENNIAL CELEBRATIONS

**Hon. Pana Merchant:** Honourable senators, Saskatchewan, Cree for "swift-running water," became a province in 1905. The Queen joins us this month in celebration of our contribution to Canada and the world.

[Translation]

Initially, we welcomed immigrants from all the countries of Europe, from the Baltic Sea to the Mediterranean Basin, from the Atlantic Ocean to the steppes of Russia. Together with the First Nations, we developed our distinct traditions.

[English]

Our ethnic diversity over these 100 years was the precursor of the diversity of which Canada is so proud today. We were the prototype of the multicultural community Canada has become.

• (1340)

We take great pride in our contribution in two World Wars, pride that our First Nations and Metis joined in record numbers and served with extraordinary heroism.

At Vimy Ridge, where Canada is said to have come of age, the North Saskatchewan, the Regina Rifles and the Saskatchewan Dragoons served with distinction.

The South Saskatchewan regiment and the Regina Rifles were there at the disastrous raid on Dieppe.

On D-Day, the first infantry ashore on Juno Beach was the Regina Rifles. Unlike what happened on other fronts, the "Farmer Johns," as they were called, reached the brigade's objective on the second day as planned.

Many will know Saskatchewan as the cradle of universal medical care, but few know that decades prior we had free hospitalization for tuberculosis patients. We led the world in the diagnosis, treatment and eradication of the disease.

Among our other firsts was the development of the cobalt bomb, enabling radiation treatments of cancer.

[Translation]

Saskatchewan is recognized as the world's bread basket. We have exported our agricultural techniques as well as our products, and we have influenced and helped the agricultural economy of many countries as different as Russia and Ethiopia.

[English]

As early as 1912, we developed the first producer cooperatives, followed by the wheat pools, dairy and freshwater fish co-ops, and also consumer cooperatives, from groceries to telephones and credit unions.

We are Canada's second largest oil producer. We have always mined coal, are a major timber producer, and have one of the largest deposits of uranium and potash in the world and, most recently, diamonds.

[Translation]

To celebrate Canada is to celebrate diversity and the unique strength of each of our regions.

[English]

Saskatchewan looks to the future with confidence.

## MENTAL HEALTH WEEK

**Hon. Ethel Cochrane:** Honourable senators, May 2 to 8 is Mental Health Week across Canada. This week is set aside each year by the Canadian Mental Health Association to increase awareness of mental health issues and to offer support to the many people who live with mental illness. Although it is difficult to pinpoint the actual number of people affected, it is estimated that one in five Canadians will face a mental health issue in their lifetime.

Each Mental Health Week is designated with a special theme, and this year focuses on "Mind and Body Fitness." As a society, we tend to concentrate primarily on physical fitness and exercise. However, mental fitness is just as important to an individual's overall state of health. We achieve mental fitness in a variety of ways, such as maintaining an optimistic outlook on life, building an emotional support network with family and friends, and engaging in activities that stimulate the mind.

Of course, there are also strong links between greater physical fitness and enhanced mental fitness. For example, an active lifestyle can improve a person's psychological well-being and help reduce depression or their level of stress.

Honourable senators, the Standing Senate Committee on Social Affairs, Science and Technology has been hard at work reviewing mental health, mental illness and addiction in Canada. Last November, the committee released three reports that summarized our mental health system and those of four other countries. The committee also presented issues and options for further consideration as our study goes forward.

I hope that our efforts will help bring about significant and lasting change in a complex and fragmented mental health system. It has been said in this chamber before, and I think it bears repeating, that Canada is the only G8 country that does not have a national mental health strategy. This must change.

I am sure I speak for all honourable senators in wishing the Canadian Mental Health Association a successful Mental Health Week and continued good luck in all of their efforts.



## ALBERTA SCENE

**Hon. Tommy Banks:** Honourable senators, I wish to join in respect of happy anniversaries in congratulating the city of Kelowna. My connection with it only goes back to the 1940s, not as far as Senator Fitzpatrick's. I would also like to congratulate the beautiful province of Saskatchewan, which is celebrating its one-hundredth anniversary this year.

However, I rise, honourable senators, just in case someone has been in a bottle for the last couple of weeks and has not noticed there has been an invasion of Ottawa by over 600 artists of every description. They are culinary artists, literary artists, novelists, poets, sculptors, painters, actors, singers and dancers of every description. If one were to open a closet in Ottawa these days, one would find a band from Alberta playing in there.

I commend the attention of honourable senators to these celebrations because there is wonderful music being played, wonderful arts to see and to hear. There is wonderful theatre in which to participate, and I would urge all senators to attend. The celebration opened last Thursday with a triumphant Ottawa premiere of a most remarkable thing, a successful Canadian opera, followed on Friday by an appearance, which can only be described as triumphant, by the Edmonton Symphony Orchestra playing all-Alberta music. Between last Thursday and next Tuesday, one cannot avoid Alberta art and artists in Ottawa. Once again, I urge honourable senators to take in the festivities.

## CITIZENSHIP AND IMMIGRATION

## COMMENTS BY MINISTER

**Hon. David Tkachuk:** Honourable senators, Minister Volpe's desperate attempt to characterize Conservatives as racist members of the Ku Klux Klan is an example of the appalling means to which this Liberal government is determined and prepared to go to deflect attention from their own problems. Use of satire, public discourse and healthy freedom of the press are all rights to be valued and protected in Canada; libel and slander are not.

In referring to two Conservative members holding a satirical poster, here is what the minister said. They are chilling words:

These are the same Conservatives who think that every immigrant is a potential terrorist and criminal and everything else and that they parade up and down and say that everybody that doesn't look lily white like them is some refugee from high-level detention. I can't take their argumentation seriously.

Then, in response to a question, he said:

Am I calling these guys racist? Like if this guy had your name on that, what would you call it? Aside from the fact that they are recognizable notwithstanding that they don't have their cowl and their cape, the Klan looks like it's still very much alive.

Then, just so that we understood fully that he knew what he was saying — and he was deliberate in what he was saying — in direct reference to the people holding the poster, he said:

I think these are a couple of fine upstanding members of the new Conservative Klan. So, you know, when I say that they have one standard for people who come here, who come here legitimately, and another for whatever suits their interests.

No one expects Minister Volpe to be pleased about the outrage and criticism the media is directing at his government. However, it is his obligation as a minister of the Crown to defend his party and to defend the very rights of all Canadians.

Rather than do his job and even attempt to restore confidence in his government, he has reacted to criticism by hurling defamatory insults. Minister Volpe has the moral responsibility to refrain from slandering his colleagues in the House of Commons. Political differences aside, it is categorically inconceivable that Minister Volpe actually believed that Mr. Richardson and Mr. Schmidt are members of the Ku Klux Klan. For launching such accusations, all the while drawing on emotionally charged references to cowls and capes, Mr. Volpe owes Canadians, Mr. Richardson and Mr. Schmidt and the Conservatives an apology.

• (1350)

## ROUTINE PROCEEDINGS

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

TWENTY-EIGHTH INTERPARLIAMENTARY MEETING  
WITH EUROPEAN PARLIAMENT'S DELEGATION  
RESPONSIBLE FOR RELATIONS WITH CANADA,  
MARCH 27-31, 2005—REPORT TABLED

**Hon. Lorna Milne:** Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the twenty-eighth interparliamentary meeting with the European Parliament's delegation responsible for relations with Canada, held in Brussels, Belgium, from March 27 to March 31, 2005.

PARLIAMENTARY MISSION REGARDING  
NEXT EUROPEAN UNION PRESIDENCY,  
MARCH 31-APRIL 2, 2005—REPORT TABLED

**Hon. Lorna Milne:** Honourable senators, I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the parliamentary mission in the country that will hold the next European Union presidency, held in London, United Kingdom, from March 31 to April 2, 2005.

[Translation]

## ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF CO-OPERATION AND DEVELOPMENT  
COMMITTEE, MARCH 14-15, 2005—REPORT TABLED

**Hon. Rose-Marie Losier-Cool:** Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the parliamentary association of the Assemblée parlementaire de la Francophonie (APF) regarding its participation in the meeting of the Co-operation and Development Committee of the APF, held in Lafayette and Carencro, Louisiana, on March 14 and 15, 2005.

[English]

## INTER-PARLIAMENTARY UNION

MEETING OF STEERING COMMITTEE OF TWELVE  
PLUS GROUP, MARCH 11, 2005—REPORT TABLED

**Hon. Donald H. Oliver:** Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canadian Group of the Inter-Parliamentary Union respecting its participation at the meeting of the Twelve Plus Steering Committee of the Inter-Parliamentary Union, held in Brussels, Belgium, March 11, 2005.

FORTY-NINTH SESSION  
OF COMMISSION ON STATUS OF WOMEN:  
BEIJING + 10, MARCH 3, 2005—REPORT TABLED

**Hon. Donald H. Oliver:** Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canadian Group of the Inter-Parliamentary Union respecting its participation at the one-day parliamentary meeting on the occasion of the forty-ninth session of the Commission on the Status of Women: Beijing + 10, held at the United Nations, in New York, March 3, 2005.

## NOTICE OF INQUIRY

**Hon. Joan Fraser:** Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I will call the attention of the Senate to the work of the Inter-Parliamentary Union.

## QUESTION PERIOD

### CITIZENSHIP AND IMMIGRATION

#### COMMENTS BY MINISTER

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I know that all honourable senators on both sides of this chamber will be saddened by the comments made in the scrum yesterday by a minister of the Crown. We are fully cognizant of

the fact that sometimes custody of the tongue is not a habit that is well honed.

The statement by Minister Volpe has been alluded to already in statements by honourable senators. I am sure all honourable senators deem it unacceptable for a minister to compare members of the official opposition to members of a notorious white supremacist organization. I would ask the Leader of the Government in the Senate if he would not think it appropriate that the statement of his colleague be taken as a statement not well thought out and perhaps not literally intended. If indeed that was the position, I am sure my honourable friend opposite would want to distance the government from that statement.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I listened with interest to the statements of Senators Oliver and Tkachuk, and the question just put to me by Senator Kinsella.

It is obvious to all of us that we are living in political times that raise emotions. For example, senators may not be aware that a parliamentary colleague, John Reynolds, Member of Parliament for West Vancouver—Sunshine Coast—Sea to Sky Country, described all Liberals as whores.

**An Hon. Senator:** Oh, no. Shame on him.

**Senator Austin:** I am not sure that description was one that he would not want to retract.

Yes, Senator Mercer, he is a campaign director for the Conservative Party.

I do not think there is any woman in Parliament who can be described correctly as a whore. Whether or not he will apologize, I do not know.

I raise the issue because the times are tense, and sometimes things will be said that probably should not be said and probably are not appropriate.

Minister Volpe is of Italian descent and was born in Italy, and one can understand that the reference might be taken as offensive to the Italian community. I will further advise this chamber that the matter of Minister Volpe's statement is one for the other place.

**Senator Kinsella:** Honourable senators, I chose my words carefully when I raised my question in principle, and I will attempt to be equally restrained in my supplementary question.

In this instance, we are dealing with a minister of the Crown, that is to say, a member of Her Majesty's Privy Council who is part of this government. My question is whether this is a statement of government policy that the leader shares with Minister Volpe or is it not government policy? If it is not government policy, would the minister simply make a clear statement that calling members of the official opposition racist and making reference to the Ku Klux Klan is not part of this government's policy and that Minister Volpe was not expressing government policy?



**Senator Austin:** Honourable senators, I chose my words of answer to the first question by Senator Kinsella quite carefully, and I will let that answer stand.

## PARLIAMENT

### DEMOCRATIC REFORM— VALIDITY OF MOTIONS OF CONFIDENCE

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, my question is addressed to the Leader of the Government in the Senate. Yesterday in the other place Paul Martin's Minister Responsible for Democratic Reform, Mauril Bélanger, dismissed the role of Parliament as merely "advisory." He clearly indicated that the Liberals would not honour any motions regarding confidence passed by the House of Commons.

• (1400)

He stated:

Mr. Speaker, as per the Constitution, various branches of government have various responsibilities. The legislative branch has certain responsibilities, as does the executive branch. In the capacity of their relationship, one of them has an advisory role. In some cases the advice is followed and in others it is not. Nevertheless, both the executive and the legislative can carry on as we do in the House.

Paul Martin is holding Canada and Parliament in contempt. Will the government leader acknowledge that motions concerning the confidence of this government are, in fact, questions of confidence or not?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am not familiar with Minister Bélanger's statement, but I will inform myself. In the meantime, I can assure this chamber that constitutional conventions with respect to matters of confidence remain unchanged.

**Senator Stratton:** The Prime Minister has made grandiose statements about his respect for Parliament, and I wanted to raise that fundamental question because his minister has brought that whole issue into dispute.

The Prime Minister has made grandiose statements previously. In the *Hill Times* of January 19, 2004, he is reported as having said:

It's a return to the representative and deliberative functions of the House of Commons. It's about members being restored to the centre of decision and policy making.

In Paul Martin's letter accompanying his action plan for democratic reform, February 4, 2004 he wrote:

We must reconnect Parliament to Canadians and renew the capacity of Parliamentarians — from all parties — to shape policy and legislation.

In his reply to the Speech from the Throne on October 6, 2004, Paul Martin said:

On this day, Parliament is at the centre of the national conversation. It must remain there.

However, as usual, there is a gap between his actions and his words. On several occasions, the Prime Minister has completely ignored majority decisions in the other place.

Will the government leader tell us when Paul Martin will start listening to the voices of the members of Parliament and all Canadians, stop running this country like an absolute ruler and live up to some of the statements he has made, some of which I have just put on the record? Since he became leader and Prime Minister, he has repeated those remarks. Why would he not live up to them now?

**Senator Austin:** Honourable senators, I much enjoyed listening to the quotations that Senator Stratton gave us from the Prime Minister's presentation on the policies of this government with respect to democratic reform.

Where Senator Stratton and I differ dramatically is over whether this government has fulfilled its intentions with respect to empowering parliamentarians. In my view, individual parliamentarians are now far more free to express their constituents' and parliamentary objectives. Certainly, on the government side they are, and, of course, the Prime Minister was speaking for the government side while inviting the opposition side to join in the same practice.

In the other place, they have now adopted what is known as "one-line, two-line and three-line votes," with government members free to make their choice with respect to non-confidence measures. We saw just that on a vote on Bill C-38. It was interesting to note that the opposition members were of one persuasion with only the rarest of exceptions when that vote took place.

I believe that this government is following the policies of the Prime Minister, and I believe those policies are admirable.

With respect to Senator Stratton's question, I realize that the parliamentary tactics that may be ongoing in the other place will be somewhat frustrating to the opposition, but I know that there are expert parliamentarians on that side who understand the underlying events.

**Senator Stratton:** I thank the minister for his response. I realize that the vast majority of our caucus has a position with respect to Bill C-38. Therefore, to have an exception to a question or to have only a few opposing the opposition's position is not at all surprising.

[Translation]

**Hon. Jean-Claude Rivest:** Honourable senators, in terms of the Honourable Prime Minister's policy on empowering parliamentarians and members of Parliament, can the minister tell us whether the Prime Minister held a caucus meeting before reaching his agreement with the NDP?

**Senator De Bané:** Of course he did.

[English]

**Senator Austin:** I do not report to Parliament on Liberal caucus matters.

## FINANCE

### CHANGES TO BUDGET 2005

**Hon. W. David Angus:** Honourable senators, speaking of stress levels, as described by Senator Cochrane and raised a little higher here by Senators Tkachuk and Kinsella, Canadians are becoming stressed as they recall the severe economic impact of the 1972-74 Liberal budget, propped up as it was by the NDP, when taxes climbed, spending soared and the budget surpluses that folks had enjoyed for a decade vanished suddenly into thin air.

In the *National Post* of April 28 under an article headed "Ottawa has not spent like this since Martin's dad was in cabinet:" Clement Gignac, chief economist and strategist for National Bank Financial, is quoted as saying:

If it's history repeating itself, you have to fasten your seatbelts...

We have to question regarding the long-term implications down the road.

In making this backroom deal with the NDP, did the government assess the risk and future impact that these changes would have on the Canadian economy and our global competitiveness, or did the government operate purely on political motive to secure a measly 19 votes to prop it up against the potential non-confidence motion?

**Hon. Jack Austin (Leader of the Government):** As I listened to Senator Angus' question, another of my famous vernacular phrases went through my head: "You have to be kidding in asking that question." For a Conservative senator to launch into the matter of budgets, comparing Liberal budgets with Conservative budgets is unthinkable. I would repeat, "You have to be kidding." The record is clear on which party has been successful in managing the Canadian economy.

**Senator Angus:** Clearly, the Progressive Conservative party under the great government of Brian Mulroney, but I am not here to answer the leader's questions.

**An Hon. Senator:** Are you still a member of that party?

**Senator Angus:** Great party it is, too.

In another article in the *National Post* on April 28, entitled "Two-headed beast spreads fiscal fear," Don Drummond, chief economist at the TD bank, stated:

Large businesses employ the bulk of Canadians...They also pay the highest wages, are the most productive, the most stable, have the best pensions and benefits and invest the money to create the jobs which Canadians need.

Yet, honourable senators, they are the ones penalized by this arrangement. Let us call it an "arrangement."

Could the Leader of the Government please explain why these drivers of our economies were sacrificed through the relinquishing of their much needed and deserved tax break?

• (1410)

**Senator Austin:** Honourable senators, I am really surprised. If I heard Senator Angus correctly, he said that large businesses employ the bulk of Canadians. That is not correct. Small and medium enterprises in this country employ the bulk of Canadians. Under this budget, small and medium enterprises are given tax deductions and tax credits to make them more competitive and to allow them to grow.

Honourable senators, these are businesses not only in urban communities but in rural communities across the country. When I say rural communities, I am referring to communities that are represented at the moment by only Conservative MPs in the other place. When those constituents discover that the Conservative Party wants to defeat a budget that provides credits and incentives for small and medium business, they will think about their voting.

**Senator Angus:** Are you sending a message?

**Senator Stratton:** Do you want to bet on that?

**Senator Angus:** Which budget? It changes every day. I understand it has just changed again. Should we send a message to the other place that tax breaks for business is on again?

Honourable senators, it is becoming increasingly evident just how desperate this government is to maintain the reigns of power. They keep changing their minds every five minutes. Now they are putting the financial stability of our great nation at risk for simple political means. History has taught us that Liberal-NDP coalitions are a recipe for sharp increases in government spending, higher inflation and a decrease in investor confidence.

I ask the minister once again about the consultation and risk assessment process the government used in creating this new coalition and amended budget in order to achieve political gain. What exactly is the Government of Canada trying to hide regarding the exact terms and conditions of this so-called unsigned but binding agreement?

**Senator Austin:** Honourable senators, Senator Angus must be kidding when he raises the issue of policy changes because there is nothing more breathtaking than the policy changes that we are seeing from the Conservative Party with regard to cities, health care and child care. I could go down a long list. It is quite amazing to see the opportunism of this Conservative Party. They had principles they adhered to at one time which distinguished them from the Liberal Party, but today they are just a fake copy of Liberal Party policy. One of the great axioms of politics is that if the people want a Liberal Party, they will choose a real Liberal Party, not a fake Liberal Party.

**The Hon. the Speaker:** I rise to remind all honourable senators that it can be very difficult to hear the questions and the answers if there is too much interference by way of heckling or comment from senators' seats.



## PRIME MINISTER

## USE OF PRIVATE HEALTH CARE FACILITIES

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, my question deals with health care. Does the Prime Minister of Canada visit private health care facilities or does he not? Yes or no?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will have to obtain the answer to that question because I am not personally familiar with his health care plans.

I want to comment on whether Senator Stratton is asking a question about the Prime Minister's health. If he is, I can assure him that the Prime Minister is very healthy and is in shape to carry out any election campaign that may take place.

**Senator Stratton:** Going to private health care facilities would aid and abet that completely.

## PARLIAMENT

## VOTE ON BUDGET 2005

**Hon. Gerry St. Germain:** In regard to Senator Angus' question, honourable senators, I have a supplementary. If the Leader of the Government in the Senate is so secure in his position, why are the Liberals filibustering their own legislation in the other place? Why not present the budget? If it is that great a budget, let them vote on it over there.

To use an analogy mentioned this morning, the position that the Liberal government finds itself in is like leaving the Enron executives in charge of the corporation while they are going through a judicial process in the United States. If there is all that confidence in this great budget that has been put together by the Liberals and their buddies, the NDP, why not allow a vote in the House of Commons?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, first, the illustration that Senator St. Germain refers to is very strained, and I will not try to deal with it.

I wish to remind honourable senators that all parliamentarians are in a process of placing before the people of Canada our various programs. With respect to the budget as contained in Bill C-43, the Government of Canada is carrying out the normal process of presenting the merits of this budget to Canadians. We are finding that Canadians across the country want this budget passed. Of course, when we are ready, we will present this budget. We are waiting, and we will not wait too long, for the Conservative Party to go back to its first position, which is to support this budget so that the Atlantic accord can be passed, so that health care can be funded, so that Kyoto has its funding, so that child care has its money and so that cities have their money. Canadians want these programs and we want the Conservatives to see that Canadians want these programs. We want the Conservative to support those programs.

## FINANCE

CHANGES TO BUDGET 2005—  
FUNDING OF COMMITMENTS

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. On May 4, *The Globe and Mail* quoted New Democrat MP Pat Martin as saying:

I've gotten a very clear message from first nations leadership and from Liberal cabinet ministers that the money that was intended to be announced on May 31 has been redirected to form part of the NDP budget. The government intends to pay for its commitments to the NDP with money that they had already committed to first nations. If that's the case, it's even sleazier than I had ever imagined.

Given that the government has backed away from its plan to pay for this deal through business taxes, does it now in fact intend to meet the cost of the new budget with funds that were originally to be announced on May 31 for First Nations?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I do not take responsibility for the comments of a private member in the other place.

**Senator Oliver:** Could the Honourable Leader of the Government in the Senate answer the question: How will the government pay for the commitments to the NDP, and will the First Nations have the money that was to be announced on May 31?

• (1420)

**Senator Austin:** Honourable senators, the Minister of Finance has announced that the budget will accommodate the possible additional spending. I spoke yesterday of \$2.3 billion in each of the next two years to be included with the government's budget measures. The Minister of Finance has made it clear that this government will not go into deficit and that no arrangements in the budget will be carried out if there is any concern with respect to deficit or contingency reserves.

**Senator Oliver:** Honourable senators, in Wednesday's *Ottawa Citizen* we were told:

Government Senate leader Jack Austin said Monday the Liberal-controlled Senate would work as long as required to pass the federal budget, hinting he will drag the senators into July sittings to approve the necessary budgetary legislation, probably including a separate bill for the additional \$4.6 billion in spending.

Honourable senators, I am hoping that the government leader can provide a bit of clarification. Last week the Prime Minister said that the extra spending would only go ahead if there is still a surplus at the end of the fiscal year. The end of the fiscal year is March 2006, not July 2005.

Does the government hope to legislate this \$4.6 billion now or does it hope to legislate it toward the end of the fiscal year when it is known whether there is still a surplus?

**Senator Austin:** Honourable senators, the two points raised by Senator Oliver are unconnected. I have just answered the second point, that is, with respect to budgetary management. With respect to the passage of Bill C-43, to which I was referring, I cannot believe that anyone in this chamber would not want to see that budget passed by this chamber, and I cannot believe that we would not want to work to ensure that budget would be passed.

Of course, I have just given additional encouragement to Senator St. Germain, who was worried about whether we would apply ourselves to the budget.

## FISHERIES AND OCEANS

### FOREIGN FISHING—COMMENTS BY PRIME MINISTER

**Hon. Gerald J. Comeau:** Honourable senators, my question is also directed to the minister. The Prime Minister railed against foreign overfishing on the weekend. He said:

Clearly, overfishing takes an environmental toll. But make no mistake: it takes an economic toll of staggering proportions. Worst of all, it takes a human toll...this cannot go on. We cannot allow it to go on.

It is unconscionable that even now, even given the perilous state of our fisheries...over-fishing continues off the nose and the tail of the Grand Banks by foreign fleets...my government will not stand by and watch it happen.

Could the minister tell us how the Prime Minister will translate those words into action to protect this very valuable and precious commodity that Canadian fishing fleets used to be able to access and that is now being overfished by foreign pirates?

**Senator St. Germain:** Brian Tobin for leader.

**Hon. Jack Austin (Leader of the Government):** Is Senator St. Germain a supporter of Brian Tobin?

Where is Senator Furey? We will let him know as quickly as we can.

**Senator St. Germain:** He is my one Liberal friend.

**Senator Austin:** Senator St. Germain, I am so hurt. I thought we were friends.

**The Hon. the Speaker:** Honourable senators, I am having great difficulty hearing the proceedings. I ask for order.

Senator Austin has the floor responding to the question of Senator Comeau.

**Senator Austin:** Honourable senators, let me thank Senator Comeau for quoting the Prime Minister and putting the government's policy clearly on the record of the *Debates of the Senate*.

How this will be done is under active consideration at this time. The Prime Minister has been given a range of options. Our goal is clear and the methodology is being carefully considered.

**Senator Comeau:** Honourable senators, "under active consideration" sounds somewhat like "in the fullness of time."

**Senator Austin:** No, it is faster.

**Senator Comeau:** I would like to quote what the Prime Minister said two years ago, on May 6, 2003. He stated:

The time for talk is over: for too long we've asked our fishermen to bear the burden while we've allowed foreign fishermen to get away with sheer irresponsibility and murder...

He continued:

We have to hold their feet to the fire. We will look at all options...and I am telling you if one of these options is to impose our environmental management on the nose and tail of the Grand Banks, then if that's our option, then we are going to have to exercise it... Ensuring the viability of fish stocks is a responsibility that we as a sovereign nation have to our people and to our children and we will have to exercise our responsibility.

In the fullness of time, or with active consideration, this situation continues. The fish stocks keep dwindling and our people keep losing their jobs in the fish plants due to overfishing.

We cannot go through another election campaign with only words. It is now time to put words into action. Will the Prime Minister commit to custodial management on the nose and tail of the Grand Banks of Newfoundland?

**Senator Austin:** Honourable senators, I want to thank Senator Comeau again for putting the Prime Minister's statement on the record of the *Debates of the Senate*. I want to thank him, additionally, for making his own position clear. Perhaps that is also the position of the Conservative Party with respect to the action that should be taken by Canada with regard to the nose and tail.

As honourable senators know, that action would have to be taken unilaterally and against current agreements, the terms and details of which Senator Comeau is quite familiar with. That action, as recommended by Senator Comeau, would put Canada in conflict with the European Community.

Whether that is one of the options being considered I cannot say today, but I will certainly put Senator Comeau's representation before the Minister of Fisheries and Oceans.

**Senator Comeau:** Honourable senators, I hope the Leader of the Government in the Senate does that. I am very much in favour of custodial management. Rather than speaking for the Conservative Party, I speak for myself on this issue. I hope that the minister in this house will convey his own support for this position to the Prime Minister.



**Senator Austin:** I will send Senator Comeau's representation to both the Prime Minister and the Minister of Fisheries and Oceans.

[Translation]

### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, before proceeding to Orders of the Day, I would like to introduce to you two pages from the House of Commons. First I would like to introduce Travis Ladouceur from Fort-Coulonge, Quebec. He is a student at the faculty of education at the Université du Québec en Outaouais, where he is specializing in preschool and primary education. Welcome to the Senate, Mr. Ladouceur.

I would also like to introduce David Maisonneuve. He hails from Guy, Alberta and is a student at the faculty of social sciences at the University of Ottawa, where he specializes in political science.

On behalf of all the honourable senators, I welcome you to the Senate.

[English]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

#### ADJOURNMENT

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, before we move on to Government Business, given that the representative of the government in the Senate does not wish to dissociate the government from the racist statements of Minister Volpe with regard to the KKK, it is very difficult for members of the opposition in the Senate to be enthusiastic about working on government business, as sparse as that government business may be.

Therefore, pursuant to rule 15, I move that the Senate do now adjourn.

**The Hon. the Speaker:** Honourable senators, rule 15 reads:

(1) A motion to adjourn the Senate, unless otherwise prohibited in these rules or unless otherwise ordered by the Senate, shall always be in order.

(2) A motion to adjourn the Senate can only be moved when the Senator moving the motion has the floor to speak to a question before the Senate and not on a point of order.

(3) When a motion is moved, in accordance with the provisions of sections (1) and (2) above, the Speaker shall put the question forthwith without debate or amendment.

Honourable senators, Senator Kinsella rose. I was not sure whether he was rising on a point of order or on house business. In any event, I recognized him. He put his motion, and it is before the house.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** Will those honourable senators in favour of the motion to adjourn please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the motion to adjourn will please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators. There will be a one-hour bell.

• (1530)

Motioned negatived on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Buchanan  
Cochrane  
Comeau  
Cools  
Di Nino  
Johnson  
Kelleher  
Kinsella

LeBreton  
Lynch-Staunton  
Oliver  
Prud'homme  
Rivest  
St. Germain  
Stratton  
Tkachuk—17

#### NAYS THE HONOURABLE SENATORS

Adams  
Austin  
Bacon  
Baker  
Banks  
Bryden  
Callbeck  
Carstairs  
Chaput  
Christensen  
Cook  
Corbin  
Cordy  
Cowan  
Dallaire  
Day

Joyal  
Lapointe  
Lavigne  
Léger  
Losier-Cool  
Maheu  
Mahovlich  
Massicotte  
Mercer  
Merchant  
Milne  
Mitchell  
Moore  
Munson  
Nancy Ruth  
Pearson

Downe	Pépin
Dyck	Phalen
Fairbairn	Pitfield
Ferretti Barth	Poulin
Finnerty	Ringuelette
Fitzpatrick	Robichaud
Fraser	Rompkey
Furey	Smith
Gill	Stollery
Grafstein	Tardif
Hubley	Trenholme Counsell
Jaffer	Watt—56

ABSTENTIONS  
THE HONOURABLE SENATORS

Spivak—I

[Translation]

**Hon. Pierre De Bané:** Honourable senators, I was not present when His Honour put the question, and so I did not vote. I am sorry to have been absent at that time.

[English]

BUDGET IMPLEMENTATION BILL, 2004, NO. 2

THIRD READING—DEBATE ADJOURNED

**Hon. Joseph A. Day** moved the third reading of Bill C-33, a second act to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

He said: Honourable senators, I appreciate the opportunity to present Bill C-33 for third reading. As honourable senators have just heard, the bill is the second budget implementation bill of the budget of 2004. In addition, proposals from that year's budget concerning the air travellers' security charge, legislation enabling interested Indian bands in Quebec to enter into sales tax agreements with the Government of Quebec, income tax relief to Armed Forces personnel serving in dangerous settings, and relief for disability caregivers are also included in Bill C-33.

Honourable senators, I will avoid the temptation to deal with only two aspects of this bill. The two aspects that were dealt with in committee and took up a great deal of time were with respect to charities and the General Anti-Avoidance Rule. I will give a brief outline of the outcome, as I perceive it, of our committee deliberations. I think it is important when I stand here as sponsor of the bill and ask for support of this legislation that I put those two items in perspective. I also want to refer to the many other aspects of this bill that I submit are very important government initiatives.

Before I begin, honourable senators, I wish to thank those members of the National Finance Committee who participated in the long and sometimes difficult hearings that we had with respect to technical issues. Their diligent efforts over several days of hearings are much appreciated.

• (1540)

Permit me to reflect on the new agenda for achievement set out by the government in Budget 2004 to illustrate how Bill C-33 fits into that. At the heart of Budget 2004 is the recognition that we continue to work towards improving the standard of living for all Canadians. We must also work toward improving fairness and the integrity of our tax system. Those goals form the integral part of the agenda set out in Budget 2004. Indeed, the measures in last year's budget were designed to respond to priorities identified by Canadians; and the initiatives contained in Bill C-33 reflect those priorities, which I will discuss. Those are: health, learning, communities, the economy, our place in the world, and the fairness and integrity of the tax system. I will conclude with two other tax measures found in the bill.

In respect of health, the Technical Advisory Committee on Tax Measures for Persons with Disabilities was formed in 2003 to advise the Minister of Finance and the Minister of National Revenue on ways to improve the tax system to help Canadians with disabilities. Bill C-33 responds to the committee's proposal to strengthen tax assistance for Canadians with disabilities. Beginning with the 2004 tax year, when Bill C-33 is passed, expenses for sign language interpreters and talking textbooks will be legitimate deductions against income if the expenses are incurred for educational or employment purposes. Therefore, income used to pay for these expenses will not be taxed and it will not affect income tested benefits. Bill C-33 also contains a measure to allow care givers of persons with disabilities to claim more of the medical and disability-related expenses they incur on behalf of dependent relatives. This will benefit many Canadians who care for disabled family members.

Honourable senators, Budget 2004 introduced a number of initiatives to help families save for their children's education. As honourable senators are aware, education is a life-long pursuit and is not restricted to youth. Tax measures proposed in this bill will help taxpayers continue their education while they are in the workforce. Currently, the education tax credit for the non-tuition costs of post-secondary education and training, such as textbooks, apply only to students enrolled in a full-time or part-time educational institution. People who pursue work-related learning can be left out because employed individuals are not eligible to claim the credit relevant to the cost of programs directly connected with their current employment. This applies even if the employees pay for the courses.

To help more students and taxpayers undertake life-long learning connected to their jobs, Bill C-33 proposes that, effective January 1, 2004, taxpayers will be allowed to claim the education tax credit for education related to current employment where the costs are not reimbursed by the employer. This measure makes the tax system fairer by giving Canadians who are upgrading their work skills access to the same tax benefit that is available to other post-secondary students.

Another priority in Budget 2004 is our communities, and Canadians' recognition of the importance of non-profit organizations. Indeed, we rely on them for the delivery of services related to a variety of items such as education, the environment, and cultural and social activities. We heard from witnesses before the Finance Committee that there are 161,000 non-profit organizations and charities in Canada. Together, non-profit and voluntary sector groups contribute



\$75.9 billion annually to the economy, which represents about 8.5 per cent of the GDP. In addition, about 2 billion volunteer hours are provided to charities annually by 2 million Canadian workers who choose to make their communities and their country a better place for all of us through their participation.

In recognition of the contribution of these organizations to Canadian society, Budget 2004 contains a variety of initiatives that will benefit the voluntary sector, some of which appeared before the committee.

Honourable senators, it is important to recall that, in March of 2003, there was an initiative between the Government of Canada and the voluntary sector to examine and report on the rules that govern charities under the Income Tax Act. After extensive consultation, the Joint Regulatory Table reported 75 recommendations to government for improvements to those rules.

In response to the report, Bill C-33 proposes a number of significant improvements to the regulatory framework for registered charities. During the hearings, witnesses from the voluntary sector told the committee that they were supportive of the process leading to the changes in respect of registered charities. However, they were concerned that certain initiatives would be burdensome to some charities, such as the annual disbursement quota that had not been fully discussed before the Joint Regulatory Table. The committee told us that it is a complex system that may serve as an irritant for smaller organizations in the voluntary sector and may lead to non-compliance as volunteers struggle to understand rules that even professionals may have difficulty understanding. The government is urged to continue the consultation and discussion process with the voluntary sector in pursuit of a resolution to these concerns expressed to the committee, and to further improve the rules relating to this important sector of our society.

Honourable senators, in the area of the economy, Bill C-33 proposes certain initiatives, in particular with respect to small and medium-sized businesses. The bill proposes to extend the non-capital loss carry forward for a period of 10 years. This will benefit innovative start-up businesses that may experience losses while new products and new technologies are being developed.

Another important initiative proposed in the bill is designed to encourage small businesses to conduct scientific research and experimental development, and to facilitate raising funds from investors through an enhanced tax credit.

• (1550)

Honourable senators, the next area I would refer to is our place in the world. More than ever, Canadians are thinking, living and acting internationally. The face of Canada seen around the world is often that of the brave men and women of our Armed Forces and our police. Indeed, Canada has a proud history of responding to threats to global security and contributing to peacemaking and peacekeeping efforts around the world. Our soldiers and police are often involved in dangerous assignments and, for that, they deserve our thanks.

In recognition of their service to Canada, Bill C-33 contains a measure aimed specifically at helping these soldiers and their families. When Canadian soldiers and police are on high-risk missions overseas, they will no longer be required to pay income tax on their income earned while deployed on these missions. That tax relief will come if and when we pass this bill. The relief will apply on income, up to the highest level of pay earned by a non-commissioned member of the Canadian Forces.

I would now mention the initiative in Bill C-33 intended to prevent abuse of our tax system. I am speaking of the proposal to clarify certain applications to the General Anti-Avoidance Rule that was enacted by Parliament in 1988. The aim of this rule is to protect the tax system against abusive tax avoidance, as such tax avoidance undermines the fairness and integrity of the tax system. If some taxpayers can abuse the system and thereby avoid paying tax, others will be required to pay more.

The clarification does not preclude good tax planning. Neither does this proposed amendment change the General Anti-Avoidance Rule that has existed since 1988 in the act. Rather, this clarification would ensure that everyone understands the position that has been taken by Revenue Canada from the beginning in 1988 that the rule applies not only to the act, but equally to regulations that flow from the act and international treaties based on avoiding double taxation that flow from national tax legislation.

In short, this proposal seeks to ensure that Canada Revenue Agency has the authority to challenge transactions that abuse our tax system. If the scheme is not abusive, then this amendment would have no application.

According to some witnesses, the proposed amendments to the Income Tax Act will expand the range of transactions to which the General Anti-Avoidance Rule may apply. Others strongly disagreed, including the minister and some practitioners. The Canadian Bar Association and the Institute of Chartered Accountants confirmed the point made by the minister that the position of the government from 1988 forward is that the GAAR, the General Anti-Avoidance Rule, applied to regulations as well as tax treaties in addition to the act. The Canadian Bar Association and the Institute of Chartered Accountants, however, said that some of their professional advisor members did not agree with that position and were prepared to advise their clients that there may be the possibility of arguing the position in court.

The point, honourable senators, and it is a critical point, is that the position of the government was known throughout that this applied to regulations and to tax treaties.

Other measures, honourable senators, in Bill C-33 that I should like to touch on briefly are the non-income tax measures. One is a reduction in air traveller security charges. The air traveller security charge was first introduced in 2001. The government has been monitoring the amount of money spent and the amount of money taken in, and has determined, in Budget 2004, that a reduction would be appropriate if this bill is passed. In that instance, the air traveller security charge would be \$6 for one-way travel or \$12 for a round trip.

The proposals in this bill provide the legislative authority for those reductions, which apply to tickets purchased on or after April 1, 2004. These reductions illustrate that the government continues to honour its commitment to review this charge to ensure that revenue remains in line with planned expenditures over a five-year period.

Honourable senator, I mentioned briefly at the beginning of my remarks that First Nations have expressed an interest in entering arrangements whereby they can collect, within their area, a tax similar to a goods and service tax, and that requires legislative approval. There has been some expression of interest by the province of Quebec and First Nations in that province to enter into such an arrangement, and the approval is contained in Bill C-33 to allow that to occur.

In conclusion, I trust that my comments have convinced honourable senators that there are many significant government provisions in Bill C-33, arising out of the budget of 2004, which are deserving of your support. These are important matters, and I respectfully request your support for this legislation.

On motion of Senator Oliver, debate adjourned.

### JUDGES ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Keon, for the second reading of Bill S-8, to amend the Judges Act.—(*Honourable Senator Cools*)

**Hon. Anne C. Cools:** Honourable senators, I was planning to speak to this Order today, but our time has run out. I do not want to ask that the order stand because, should that request be granted, I will lose a day. It will not be spoken to if I cannot begin my speech today because we will have run out of time.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Perhaps we could agree not to see the clock. Before I deal with that I would refer to the fact that Senator St. Germain's bill, Bill S-16, has been referred to committee. It should, however, remain on the Order Paper so that when it is reported from committee it will be on the Order Paper.

**The Hon. the Speaker:** Before I see four o'clock, I will try to dispose of these two matters.

First, Senator Cools, I take it that you will begin your remarks, which will give you additional time, and that you will adjourn the debate in order to resume your remarks. Is that correct?

**Senator Cools:** Yes.

On motion of Senator Cools, debate adjourned.

### FIRST NATIONS GOVERNMENT RECOGNITION BILL

#### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator LeBreton, for the second reading of Bill S-16, providing for the Crown's recognition of self-governing First Nations of Canada.—(*Subject matter referred to the Standing Senate Committee on Aboriginal Peoples on February 22, 2005*)

**The Hon. the Speaker:** Is it agreed, honourable senators, that Item No. 7, Bill S-16, the subject matter of which has been referred to committee, remain on the Order Paper until such time as the committee has reported back to this chamber?

**Hon. Senators:** Agreed.

The Senate adjourned until Thursday, May 5, 2005, at 1:30 p.m.



# CONTENTS

Wednesday, May 4, 2005

## SENATORS' STATEMENTS

<b>British Columbia</b>	
Kelowna—Centennial Celebrations.	
Hon. Ross Fitzpatrick .....	1146
<b>Citizenship and Immigration</b>	
Comments by Minister.	
Hon. Donald H. Oliver .....	1146
<b>Saskatchewan</b>	
Centennial Celebrations.	
Hon. Pana Merchant .....	1147
<b>Mental Health Week</b>	
Hon. Ethel Cochrane .....	1147
<b>Alberta Scene</b>	
Hon. Tommy Banks .....	1148
<b>Citizenship and Immigration</b>	
Comments by Minister.	
Hon. David Tkachuk .....	1148

## ROUTINE PROCEEDINGS

<b>Canada-Europe Parliamentary Association</b>	
Twenty-Eighth Interparliamentary Meeting with European Parliament's Delegation Responsible for Relations with Canada, March 27-31, 2005—Report Tabled.	
Hon. Lorna Milne .....	1148
Parliamentary Mission Regarding Next European Union Presidency, March 31-April 2, 2005—Report Tabled.	
Hon. Lorna Milne .....	1148
<b>Assemblée parlementaire de la Francophonie</b>	
Meeting of Co-operation and Development Committee, March 14-15, 2005—Report Tabled.	
Hon. Rose-Marie Losier-Cool .....	1149
<b>Inter-Parliamentary Union</b>	
Meeting of Steering Committee of Twelve Plus Group, March 11, 2005—Report Tabled.	
Hon. Donald H. Oliver .....	1149
Forty-Ninth Session of Commission on Status of Women—Beijing + 10, March 3, 2005—Report Tabled.	
Hon. Donald H. Oliver .....	1149
Notice of Inquiry.	
Hon. Joan Fraser .....	1149

## QUESTION PERIOD

<b>Citizenship and Immigration</b>	
Comments by Minister.	
Hon. Noël A. Kinsella .....	1149
Hon. Jack Austin .....	1149

<b>Parliament</b>	
Democratic Reform—Validity of Motions of Confidence.	
Hon. Terry Stratton .....	1150
Hon. Jack Austin .....	1150
Hon. Jean-Claude Rivest .....	1150

<b>Finance</b>	
Changes to Budget 2005.	
Hon. W. David Angus .....	1151
Hon. Jack Austin .....	1151

<b>Prime Minister</b>	
Use of Private Health Care Facilities.	
Hon. Terry Stratton .....	1152
Hon. Jack Austin .....	1152

<b>Parliament</b>	
Vote on Budget 2005.	
Hon. Gerry St. Germain .....	1152
Hon. Jack Austin .....	1152

<b>Finance</b>	
Changes to Budget 2005—Funding of Commitments.	
Hon. Donald H. Oliver .....	1152
Hon. Jack Austin .....	1152

<b>Fisheries and Oceans</b>	
Foreign Fishing—Comments by Prime Minister.	
Hon. Gerald J. Comeau .....	1153
Hon. Jack Austin .....	1153

<b>Pages Exchange Program with House of Commons</b>	
The Hon. the Speaker .....	1154

## ORDERS OF THE DAY

<b>Business of the Senate</b>	
Adjournment.	
Hon. Noël A. Kinsella .....	1154
The Hon. the Speaker .....	1154
Hon. Pierre De Bané .....	1155

<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
Third Reading—Debate Adjourned.	
Hon. Joseph A. Day .....	1155

<b>Judges Act (Bill S-8)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Anne C. Cools .....	1157
Hon. Bill Rompkey .....	1157

<b>First Nations Government Recognition Bill (Bill S-16)</b>	
Second Reading—Debate Continued .....	1157







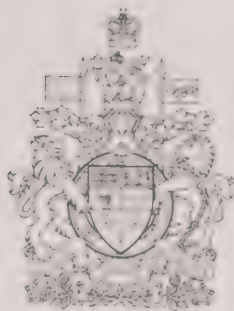






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OFFICIAL REPORT  
(HANSARD)

**Thursday, May 5, 2005**



THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, May 5, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### VICTORY IN EUROPE DAY

##### SIXTIETH ANNIVERSARY

**Hon. Jack Austin (Leader of the Government):** Honourable senators, statements today will focus on the sixtieth anniversary of Victory in Europe Day, VE Day as it is popularly known.

Honourable senators, we are all undoubtedly aware that this year, 2005, is the year of the veteran in Canada. The Senate of Canada has a long record of support for and special interest in our veterans. We are reminded every day of the true costs of war as we work under the shadow of the paintings that hang on the walls of this chamber, each one depicting an aspect of life and death in wartime.

Senators have been defenders of veterans' interests even through long periods when they were almost forgotten by the public at large. Many Canadians need to be reminded that, while we are a peaceable kingdom, when called to war Canadians have taken second place to none.

I, together with many other Canadians, hold much gratitude and appreciation for the work of our Senate colleagues, past and present, on behalf of our veterans.

This Sunday, May 8, celebrations across Canada and in the kingdom of the Netherlands will mark the sixtieth anniversary of Victory in Europe Day. Many of us remember that day in 1945 when it seemed to everyone that the world had changed. We anticipated a future of freedom and prosperity for ourselves and particularly for all Europeans, who suffered on a scale we have never experienced in our country.

We know now that the fight for freedom and prosperity in the world is an unending one. Canada has always been in the forefront of the battle for fundamental human rights, and we expect that future generations of Canadians will remain leaders in this global struggle.

This week we look at what previous generations of Canadian men and women have contributed to our lives today and how they shaped some remarkable times in world history. There are places across this vast country where one cannot travel a few miles without noticing yet another war monument to the local men who died in battle.

The war monuments in our big cities are regal and impressive, but it is in the smaller rural communities where the size of their sacrifice is made clear. The loss of five or 10 men and women can

change the history of a small community. Canada's landscape has been forever affected by the losses we have suffered in military campaigns. Their sacrifice will remain with us as we celebrate the legacy they have left all of Europe and the world.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, this Sunday, May 8, the sixtieth anniversary of VE Day, as mentioned by Senator Austin, is the day that victory in Europe was declared, a day that is forever engraved in the minds and hearts of those who survived.

Remembrance Day is the day when we mourn the loss of some 45,000 Canadian lives during the course of World War II. Victory in Europe Day, however, is the day when we celebrate. We celebrate the end of the war in Europe, the day when the unconditional surrender of Germany, signed at Reims on May 7, was ratified in Berlin.

As I approach the Parliament Buildings in Ottawa at this time of the year, the tulips are a vivid reminder that our losses are still understood and appreciated. Canada as a nation sacrificed a great deal. All those involved sacrificed a great deal, but the tulips are also a reminder of the good things that have come out of the devastation. Our nation also gained a steadfast friend in the Netherlands, a nation which honours to this day those who came to their aid and brought freedom from our shores to theirs. Canadians who travel to Europe to this day find that they are most warmly welcomed in Holland.

It is thus particularly appropriate that on this important sixtieth anniversary it is in Holland that veterans and their descendants have gathered. They are there to remember the perilous times preceding VE Day and to celebrate the end of that terrible tragedy of war in Europe.

• (1340)

Even today, 60 years later, the memories of that bittersweet time bring tears to the eyes of those who were present. Poignant stories still abound, with many being recounted at these gatherings. The passage of time diminishes the numbers of those who are able to give a firsthand account, and it is thus all the more important that we take heed of their recollections. I do not think there are any who would want their children, grandchildren or great grandchildren to experience firsthand what they experienced.

The luckiest of the survivors were able to pick up their lives where they had left off. Some went home to children they had never met. Some returned with new brides and new families. Many were not so fortunate.

On this day, let us remember both the good and the bad. Let us remember not just what actually happened, but what could have happened had we been less vigilant. Let us remember and take joy in the tulips.

**The Hon. the Speaker:** Honourable senators, before going to Senator Day, I advise that I have received from Senator Losier-Cool, Chief Government Whip in the Senate, a letter pursuant to rule 22(7) requesting that the time for Senators' Statements be extended today for a further 15 minutes.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

[Translation]

**Hon. Joseph A. Day:** Honourable senators, it is an honour for me to pay tribute to the men and women who sacrificed their lives in the name of freedom. We regained some of that freedom 60 years ago on this very day, May 5, 1945, when German forces in the Netherlands surrendered to the Canadian Forces.

[English]

Another major event occurred early in the morning of Monday, May 7, 1945, when German military representatives signed an unconditional surrender. Allied military operations came to an end almost immediately after the surrender was signed, and VE Day was celebrated throughout Canada and the Allied nations on May 8, 1945, 60 years ago.

In recognition of the efforts that led to the pronouncements of peace on May 8 and later on August 15, 1945, at the end of hostilities involving Japan, our Minister of Veterans Affairs, the Honourable Albina Guarnieri, declared that 2005 would be "The Year of the Veteran."

Throughout the year, a number of events will take place to honour our veterans, but the events happening this week are very special. They are special because we are taking the time to remind ourselves just how precious peace is, how costly peace can be to attain once it has been lost, and therefore how important it is to do our part to help maintain that peace.

The Netherlands was overrun by the Nazis in just five days in May of 1940. What took five days to perform as an act of aggression by Nazi Germany took five years to reclaim through Allied effort. This Allied effort to liberate the Netherlands cost the lives of more than 7,600 Canadians, and the people of the Netherlands have been overwhelmingly grateful to Canadians for our effort since that time.

Senator Meighen, Chair of the Subcommittee on Veterans Affairs, as well as other honourable senators have been in Holland this week helping many Canadian veterans commemorate the liberation of the Netherlands.

This very day marks the sixtieth anniversary of the success of that liberation effort. Our Prime Minister and other federal party leaders will be joining the over 300,000 Dutch and Canadians in ceremonies of remembrance this weekend, highlighted by a parade through Apeldoorn on May 8.

On an earlier occasion, honourable senators, I had the honour and the moving experience of visiting with Canadian soldiers at the Canadian War Cemetery at Groesbeek, in Holland, where over 3,000 Canadian soldiers lie buried under the inscription, "We live in the hearts of friends for whom we died."

The citizens of the Netherlands have not forgotten the sacrifice made by Canadians and we should not either. At home, as part of the effort to remember their fallen comrades, over 4,000 veterans are expected to attend the opening of the new Canadian War Museum as the first guests of honour. It is dedicated to the education, preservation and remembrance of Canada's rich military history. I am confident that the museum will increase awareness and understanding of the role that Canada has played and continues to play in helping to preserve world peace. I encourage all honourable senators to visit this new wonderful facility and to take the time to honour all our veterans.

[Translation]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, as we get ready to commemorate VE Day and the sacrifice made by Canadians and all our allies, allow me to quote the headlines that made the news on this historic day.

[English]

Honourable senators, VE Day is upon us and the incredible sacrifice of Canadians and our Allies is recalled. I would like to give you a flavour of that day through the newspapers.

Imagine waking up on Monday, May 7, 1945, and reading the *Toronto Evening Telegram* over breakfast and coffee. The headline on that day read:

It's All Over! Nazis Give Up.

Directly below, while giving a well-deserved salute to British Commonwealth troops, was our King, George VI, with a caption below that read:

Send him victorious,  
Happy and glorious,  
Long to reign over us,  
God save the King!

That was a King who went ashore shortly after D-Day to visit Canadian and Commonwealth troops at great personal risk, a King whose home was bombed by the Nazis, a King and Queen who refused to leave London during the Blitz.

Other headlines in columns left to right included:

Word Flashed at 9:36 a.m. That All Nazis Surrendered at Eisenhower Headquarters: Germans Earlier Today "We Have Succumbed" — Norway Yielded, U-Boats Quit, Then All Others Gave up Unconditionally to End History's Greatest War.

There is a description of how the end of the war in Europe came, entitled "How News Of Surrender Came In." There were, after all, no television networks to broadcast around the globe.



Another headline talks of "Open Italian Ports For Allied Shipping: Enemy Craft Surrender in Adriatic — Many Naval Prisoners Taken."

Canada's First Canadian Army General Officer Commanding, General Harry Crerar, in another story tells his story, "Canada's Future Yours...As Home-Coming Looms," after six years of war.

Right next to this hopeful report is more war news that "Hitler decided to take Own Life," as was said in a Japanese broadcast, and a rumour that Goebbels had been found.

Directly on the far right hand of the page is a headline that reads, "Gala Fete Sweeps Toronto as Joyous News is Broken But There is Sorrow, Too: One of the First Reactions is Sobering Thought of 35,000 Canadians who Have Given Their Lives — Office Workers Jam Downtown Streets and Motor Horns Add to Din."

Sadly, honourable senators, not all news was so celebratory, with Halifax experiencing the start of the VE Day riots on May 8.

Last, but not least, in a foreshadowing of what was to come with the descent of an iron curtain over Europe, is a small article at the bottom of the page that read, "Official News Is Held Back: Report Stalin Not Ready" to tell his nation.

**The Hon. the Speaker:** Senator Stratton, I am sorry, but your three minutes have expired.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, today we are celebrating, 60 years later, the liberation of a country that was under the oppression of a dictatorship and of Nazism. Some 60 years ago, my father, Warrant Officer Roméo Dallaire, and my father-in-law, Lieutenant-Colonel Guy Roberge, fought in Holland and were able to celebrate the liberation and victory on May 5.

• (1350)

One year later, in 1946, I was born in the village of Denekamp, in the Netherlands, to a Dutch mother from Eindhoven. That is where my parents met in the winter of 1944-45, when the Canadian army had asked the Dutch to take in soldiers and shelter them from the harsh winter weather.

[English]

In December 1946, with many Dutch war brides and their children, we arrived at Pier 21 in Halifax off a Red Cross ship, and were immediately transported on to a Red Cross train that made its way across this country, stopping in towns and hamlets, letting off these young families to take root here in this magnificent country of ours. In my case, my father was waiting for us in Lévis in the middle of a blistering snowstorm and, although the train was late, he was feeling absolutely no pain.

Today, my daughter serves as a leading seaman in the Naval Reserve. She participated in the Parade of Veterans in Apeldoorn today, proudly representing her two grandfathers who fought in that great war, the Second World War, and participated in the actions that led to the liberation of Holland and, ultimately, to victory. We received a call from her last night — it was 5:30 a.m. there — telling us that they were still preparing their uniforms and anticipating hearing exciting great war stories at the parties that will be held tonight.

The Dutch side of my family has been most supportive of my father, myself and my children, who have continued to serve in the Canadian Forces, in both the army and the navy. My eldest son, a captain, will be participating in the parading of the guard this summer in Ottawa and I, of course, will be an observer. My youngest son is an army recruit in Saint-Jean-sur-Richelieu.

In 1974, I commanded the Canadian contingent that went to the annual Nijmegen marches, a series of four days of marching 40 kilometres a day, commemorating a great historic battle of that region in the 17th and 18th centuries. Armies from all over the world parade there and stop at a Canadian cemetery called Groesbeek.

Honourable senators, 2,651 Canadians are buried in Groesbeek, some were as young as 16 years old. They died as they fought in the last days of the war fighting their way across the Rhine into Germany. Soldiers throughout time go and pay their respects to their fallen comrades. Military personnel are well aware of the unlimited liability they face in committing themselves to their nations, as their nations commit them to missions around the world.

**The Hon. the Speaker:** Senator Dallaire, I regret to inform you that your three minutes have expired.

**Hon. Gerald J. Comeau:** Honourable senators, May 8, 1945 is Victory in Europe Day, or VE Day as we call it, the day the Nazi government of Admiral Karl Donitz fell in Europe.

Sixty years ago, one of the most brutal episodes in modern history, the era of Nazi Germany, finally came to an end. Canada's army, Royal Canadian Navy and Royal Canadian Air Force played a vital role in ending Hitler's tyranny in Europe and his threat to the civilized world.

The Royal Canadian Navy, the third largest navy in the world, swept the seas of the U-boat menace. The Royal Canadian Navy was an awesome force of escort aircraft carriers, cruisers, destroyers, frigates, corvettes and smaller craft, over 900 ships strong, some 375 being warships that battled the Nazi grip on the Atlantic Ocean along with Britain and the United States.

So great was Canada's contribution to the Battle of the Atlantic, a battle that had to be won prior to achieving victory in Europe, that a distinguished Canadian, Admiral L.W. Murray, was made Allied Commander-in-Chief of all naval forces in the Canadian northwest Atlantic, the only Canadian to hold such a high strategic wartime command.

The First Canadian Army, the largest field force ever sent abroad by Canada, had in six years of the Second World War swept through Sicily, the Italian “boot,” Normandy and northwest Europe, ending most notably with the clearing and liberation of the Netherlands. The First Canadian Army, some three infantry divisions, two armoured divisions and two independent armoured brigades strong, had wrestled the Nazi troops from their defence lines and thrown them back into Germany, saving the Dutch people from starvation and freeing their nation.

The Royal Canadian Air Force, the fourth largest air force in the world at the end of the Second World War, gave our sea and land forces the strategic freedom of movement that allowed the war in Europe to be won.

Sadly for many families in Canada, there was a great cost of sacrifice for victory in Europe. The Battle of the Atlantic cost Canada 24 ships and 2,024 men. The battle for Sicily cost Canada 562 men killed in action and 2,258 wounded. Some 92,757 Canadian soldiers served in Italy after the German collapse in Sicily; one in four became a casualty. To be there was to be brave: 5,399 killed in action; 365 killed in theatre due to other causes; 1,004 captured; and 19,486 wounded. Normandy and the northwest Europe campaign cost Canada another 44,339 casualties, of which some 11,336 officers and men were killed. Lastly, Canada’s famous No. 6 Bomber Group flew 41,000 missions over Europe, dropped 126,000 tonnes of bombs, lost 814 aircraft and saw 3,500 air crew killed in action.

Today, we honour the bravery of our military forces, as well as those of our allies, and celebrate the final victory in Europe.

**Hon. Tommy Banks:** Honourable senators, the words that appear on the monuments to which honourable senators have referred are almost always “lest we forget;” but we do forget. In fact, the first thing that is forgotten by a nation such as ours that cherishes peace, does not have imperial ambitions and regards itself as not belligerent, is that when it comes down to it, and sometimes it comes down to it, one thing and one thing only stands between us and the loss of our most precious possession — our right to self-determination.

When we are not tested, we tend to think that that right is the natural state of things, that it is ours by some divine right and that we own it; but we do not own it. It is lent to us on the most tenuous conditions. It is mortgaged to us, and it is a mortgage on which there will never be a final payment. There is only the most recent payment.

These payments are not made in nice, neat increments. The size and nature of them is not determined in advance. The events that we recognize this week were part of the events that brought to an end one segment at least of the largest such payment, the most burdensome such payment, the most difficult and costly such payment that we have ever made.

In that conflict, hundreds of thousands of Canadians placed themselves in mortal danger, and knew that they were doing so, in order to face up to the greatest force that the world had ever seen,

which was bent — because it was directed by distilled evil — on destroying large parts of what we have come to call western civilization. They did not do so naively because the Great War had preceded that one by scarcely 20 years. They knew what they were getting themselves into. They knew what they had to stand against and they did it.

It is to those hundreds of thousands of Canadians, particularly to those who died, but also to those who were prepared to die, that we owe the fact that we stand here today speaking the languages that we speak, saying the things that we say, making the decisions that we make and having the freedom all across this country to do so. It is to those hundreds of thousands of Canadians, all those who went before, all those who are serving now, and all those who will come later, that we owe our greatest gratitude and our ever insufficient thanks.

• (1400)

**Hon. Senators:** Hear, hear.

**Hon. W. David Angus:** Honourable senators, as we all know, May 8 is the sixtieth anniversary of the victory in Europe for Canada and our allies. In many places around the world today, celebrations are taking place and people are remembering, just as Senator Banks has so articulately outlined. It is difficult for us to imagine just what it was like for all those men and women who were able to experience the emotion and celebration of the end of the war in Europe firsthand. These young Canadian men and women had left their homes and their families to fight for those basic and wonderful values that we as Canadians all cherish and believe in.

Our military personnel did not go to war to fight for power, influence or territory. Our soldiers travelled across the sea for a completely different reason. Canadians engaged in World War II to stop aggressive and misguided nations from undermining the fundamental pillars of our way of life: freedom, justice, and peace. These people came from all across Canada and from all walks of our life. There were teachers, farmers, musicians, businessmen and professionals, to mention just a few of the vocations that our valiant soldiers were drawn from. Regardless of their diverse backgrounds, these Canadians bonded together in adversity. They ventured overseas with one goal in common — the preservation of freedom, justice and peace.

On May 8, 1945, the war was over in Europe. After years of perseverance and sacrifice, the brave Allied Forces had finally overcome. The war was over and they were victorious. Now that the war was over these men and women, who so honourably had served our nation, could come home, and they could celebrate with their loved ones and their fellow Canadians.

Sixty years later, in 2005, we still celebrate this signal accomplishment, and 60 years from now, let us all hope, we will still be doing the same thing and with equal, if not greater, enthusiasm. Today, there are those who suggest that freedom is something we take for granted. Since freedom is something that is part of our everyday life, there is perhaps a tendency to forget that



without the gallant heroism of our World War II soldiers the fundamental freedoms we experience and share today would not exist. We derive great pride from the fact that Canadians continue to uphold these same cherished freedoms in our continuing missions abroad.

Honourable senators, let us never forget those who have so bravely upheld our values on the battlefields of Europe, as well as those who continue the noble pursuit of freedom, justice and peace.

**Hon. Terry M. Mercer:** Honourable senators, as we celebrate Victory in Europe Day, we honour the men and women who have contributed so much to the freedom and safety of Canada. After six years of misery, suffering and courage that was World War II, VE Day marked the formal end of the war. We remember this occasion with heavy hearts, but also with pride.

This past Sunday, I was indeed privileged to attend a ceremony honouring the Battle of the Atlantic, which lasted the duration of the war. The support that all Canadians provided during the Battle of the Atlantic was given with courage and dedication, but at a great price. Approximately 2,000 members of the Royal Canadian Navy died during the battle, and 24 vessels were lost. Our merchant mariners also suffered great losses, as approximately 16,000 died at sea during the war. Seven hundred and fifty-two members of the Royal Canadian Air Force died in maritime operations as a result of enemy action. We must also remember that many other Canadians whose names are unknown were also lost.

Honourable senators, one of Canada's veterans was my father, who served as a chief petty officer in the Royal Canadian Navy. In fact, he and his shipmates captured an enemy U-boat off the coast of Nova Scotia when World War II was coming to an end. I will always remember my father's stories about the camaraderie and dedication that all of his comrades shared in the fight for freedom.

Honourable senators, VE Day is our opportunity to remember those who served to protect Canada from all threats. We remember their efforts with dignity, and at the same time celebrate their memory. We will remember them.

[Translation]

**Hon. Lucie Pépin:** Honourable senators, I would like to join with my colleagues to pay tribute to the over 4,000 nursing sisters who served in the Second World War.

During the course of this war, these heroines aged between 24 and 26, served their country with steadfast courage. These brave women, commissioned officers, contributed in their own way to the liberation of Europe. Following training in Canada, many of them braved the German submarine fleet, which was plying the Atlantic, to find themselves in the battlefields of Dieppe, Sicily, the Italian peninsula, North Africa, Normandy, Belgium and the Netherlands. Working as well in the marines, the army and the air force, nursing sisters cared for wounded soldiers and comforted them.

The medical units to which they were attached were often located in evacuation stations right near the front, where they risked being killed at any time. These nurses participated as well in air-sea rescue missions and worked in hospital units as physiotherapists, occupational therapists, dieticians and visiting nurses. They were on board ship, on hospital trains and on flights carrying the wounded to their destination throughout Canada.

They became true angels of mercy. Veterans never forgot these women in their distinctive uniforms and white caps, whom they called "sister" or "nurse."

Following their victory in Europe on May 8, 1945, the medical units were disbanded, and a number of nurses remained in Europe to look after the military and civilian prisoners of war freed from the camps.

I pay tribute as well to the 50,000 women who worked during the Second World War. Canadian forces successes in military campaigns are in large part due to the work done by these women, at home and abroad. I wanted to include the contribution of all these women in the tributes we are today paying to our valiant veterans, who continue to fill us with pride 60 years on.

[English]

**Hon. A. Raynell Andreychuk:** Honourable senators, as we celebrate the sixtieth anniversary of Victory in Europe Day, I wish to bring to your attention a quotation from a young Dutch boy, A.P. Speelman, in "Thank you, Canada," which indicates that they are not forgotten. He states:

I am 17.

I was not born until after the war.

I am able to go to school.

I have a buzz-bike.

I have parents.

I have never gone hungry.

I don't know what war is!

What is Hunger?  
What is a concentration camp?  
What is a bomb?  
What is fear?

I know we are free!

I know who liberated us!

I know what they sacrificed!

Thanks a million for our Freedom.

Colleagues, these words from a young person's heart say so much about sacrifice and so much about freedom that I am certain you will agree that the quotation makes you and all of us proud to be Canadian.

**Hon. Senators:** Hear, hear!

## ROUTINE PROCEEDINGS

STUDY ON ISSUES AFFECTING  
URBAN ABORIGINAL YOUTHREPORT OF ABORIGINAL PEOPLES  
COMMITTEE—GOVERNMENT RESPONSE  
REFERRED TO COMMITTEE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, pursuant to the order adopted by the Senate on Wednesday, November 3, 2004, I have the honour to inform the Senate that the response of the government to the sixth report of the Standing Senate Committee on Aboriginal Peoples, entitled *Urban Aboriginal Youth: An Action Plan for Change*, was tabled in the Senate on April 19, 2005. Pursuant to rule 131, this response is deemed referred to the Standing Senate Committee on Aboriginal Peoples.

INTERNAL ECONOMY, BUDGETS  
AND ADMINISTRATION

## TENTH REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey**, Chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, May 5, 2005

The Standing Senate Committee on Internal Economy, Budgets and Administration has the honour to present its

## TENTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2005-2006:

## Legal and Constitutional Affairs (Legislation)

Professional and Other Services	\$ 45,000
Transport and Communications	\$ 25,320
Other Expenditures	\$ 2,000
<b>Total</b>	<b>\$ 72,320</b>

(includes funding for conference attendance)

## National Finance (Legislation)

Professional and Other Services	\$ 42,600
Transport and Communications	\$ 10,000
Other Expenditures	\$ 500
<b>Total</b>	<b>\$ 53,100</b>

(includes funding for conference attendance)

Respectfully submitted,

GEORGE J. FUREY  
Chair

**The Hon. the Speaker:** When shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1410)

## SCRUTINY OF REGULATIONS

## SECOND REPORT OF JOINT COMMITTEE PRESENTED

**Hon. John G. Bryden**, Joint Chair of the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations, presented the following report:

Thursday, May 5, 2005

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

SECOND REPORT  
(Report No. 75 — Disallowance)

Pursuant to section 19.1(1) of the *Statutory Instruments Act*, R.S.C. 1985, c. S-22, as amended by S.C. 2003, c.18, and having notified the Minister of Fisheries and Oceans in accordance with section 19.1(2) of that Act, the Joint Committee resolves that subsection 36(2) of the *Ontario Fishery Regulations, 1989*, as enacted by SOR/89-93, be revoked.

The text of the provision it is proposed to disallow is reproduced in Appendix A to this Report. Appendix B includes the statutory notice to the Minister of Fisheries and Oceans as well as correspondence subsequently received from the Honourable Geoff Regan, P.C., M.P. and the Honourable David Ramsay, Minister of Natural Resources of Ontario. The Committee's reasons for disallowance are set out in Appendix C.

Pursuant to section 19.1(5) of the *Statutory Instruments Act*, the resolution contained in this Report shall be deemed to have been adopted by the Senate or the House of Commons on the fifteenth sitting day after the Report is presented to that House unless, before that time, a Minister files with the Speaker of that House a motion to the effect that the resolution not be adopted.

A copy of the relevant *Minutes of Proceedings and Evidence (Issue No. 9, First Session, Thirty-Eighth Parliament)* is tabled in the House of Commons.

Respectfully submitted,

JOHN G. BRYDEN  
Joint Chair

(For appendix to report, see today's Journals of the Senate, Appendix, p. 849.)



**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bryden, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

### GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

#### PRIVATE BILL TO AMEND ACT OF INCORPORATION— REPORT OF COMMITTEE

**Hon. Jeremiah S. Grafstein,** Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, May 5, 2005

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

#### FOURTEENTH REPORT

Your Committee, to which was referred Bill S-25, An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada, has, in obedience to the Order of Reference of Wednesday, March 23, 2005, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN  
*Chair*

#### APPENDIX

#### Bill S-25, An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada

#### Observations of the Standing Senate Committee on Banking, Trade and Commerce

There is some concern that investments should always be made in the best interest of members of the Anglican Church of Canada, and it is expected that investors will act with due diligence in selecting investments. Although the Committee is aware that the provisions of the Ontario *Trustees Act* would have to be respected, we point out the prudent investor rule contained in the *Bank Act*, the *Trust and Loan Companies Act* and the *Insurance Companies Act*:

The directors of a bank (company) shall establish and the bank (company) shall adhere to investment and lending policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments and loans to avoid undue risk of loss and obtain a reasonable return.

In our view, investments should be selected bearing in mind the prudent investor rule noted above.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read a third time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

### NATIONAL BLOOD DONOR WEEK BILL

#### FIRST READING

**Hon. Terry M. Mercer** presented Bill S-29, respecting a National Blood Donor Week.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Mercer, bill placed on the Orders of the Day for consideration two days hence.

### BANKING, TRADE AND COMMERCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

**Hon. Jeremiah S. Grafstein:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to sit at 3:30 p.m., on Wednesday, May 11, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

### WORLD HEALTH ORGANIZATION

#### NOTICE OF MOTION IN SUPPORT OF GOVERNMENT OF TAIWAN REQUEST FOR OBSERVER STATUS

**Hon. Consiglio Di Nino:** Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Senate call on the Government of Canada to support the request of the Government of Taiwan to obtain observer status in the World Health Organization.

## QUESTION PERIOD

### NATURAL RESOURCES

#### NOVA SCOTIA AND NEWFOUNDLAND AND LABRADOR—SPLITTING OF REVENUE-SHARING AGREEMENT ON OFFSHORE OIL REVENUES FROM BUDGET IMPLEMENTATION BILL

**Hon. Ethel Cochrane:** Honourable senators, my question for the Leader of the Government in the Senate concerns the implementation bill for this year's federal budget. In response to my recent question on whether the government should split the Atlantic accord from the budget bill, the Leader of the Government in the Senate said:

I am advised it is not the government's policy to split Bill C-43 in any way, shape or form.

**Senator Comeau:** Wow.

**Senator Cochrane:** Last week, however, the government and the NDP made a deal that added to the budget \$4.6 billion in spending and removed corporate tax cuts. If the federal government intends to follow through on this deal, it will have to split those tax cuts from the bill in some way, shape or form.

My question for the Leader of the Government in the Senate is: In light of these recent events and given the precedent that has been set with the NDP, will the federal government now remove the Atlantic accord from the budget implementation bill and present a separate bill to Parliament quickly?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am grateful to Senator Cochrane for her question. First, with respect to the additional measures, a companion bill to Bill C-43 will be introduced authorizing the expenditures by the Government of Canada. There are, of course, times when budget bills are amended for technical purposes. However, on the principal subject of Senator Cochrane's question, we must take a look at some of the political realities in which we live. It would take unanimous consent in the other place to split the bill. As I said in the previous answer to the honourable senator, the political allies of the Conservative Party in that place, the Bloc Québécois, have made it clear that they do not support the Atlantic accord and will not be prepared to support any changes.

In order to achieve passage of the Atlantic accord, as the honourable senator will be aware, and which I believe all honourable senators would like to see passed into law, it will take only the Conservative Party to support Bill C-43.

**Senator Comeau:** Bring on the bill.

**Senator Cools:** A tiny little matter.

• (1420)

**Senator Cochrane:** As the honourable senator is aware, we supported the budget bill in its original form. However, there are now so many issues surrounding Bill C-43, such as funding for daycare, student loans and municipal infrastructure, that many questions remain unanswered, although that is not to say that we cannot remove these three or four pages in respect of the Atlantic accord and simply pass the bill. It would require only one person committed to doing such a thing. Whether the Prime Minister was committed to the accord when he announced it last year in St. John's, he should put his signature on this immediately and pass it.

The government and the NDP have claimed that they support the Atlantic accord. It is odd that during their recent dealings, neither party appears to have sought its swift passage by separating it from the federal budget. Would the Leader of the Government in the Senate tell the house if removing the offshore agreement from this budget implementation bill was ever part of the negotiations between these two parties?

**Senator Austin:** Never. Senator Cochrane must take seriously my response to her first question because it is a bar to all the other things she may want, although there are other bars. In parliamentary terms, the government wants to see child care funded; we do not know whether the Conservative Party wants to see child care funded. The government wants to see health care funded; we do not know whether the Conservative Party wants to see health care funded. The government wants our cities program funded, which is in Bill C-43; we do not know whether the Conservative Party supports the cities program. I could go on with all of the other measures in the budget. The honourable senator cannot cherry-pick this budget in these circumstances.

This is a very good budget and the Conservative Party was right to say that it was a very good budget when it was introduced. Unfortunately, polls changed the will of the Conservative Party with respect to this budget.

**Senator Cochrane:** Was this deal with the NDP considered cherry-picking?

**Senator Austin:** As Senator Cochrane is known to be a great supporter of social policy in this country, I would have thought that she would support the additional aid to the social policy objectives of the arrangement.

**Senator Cochrane:** And the Atlantic accord, senator.

**Senator Austin:** As we do, too.

## CITIZENSHIP AND IMMIGRATION

### HUMAN SMUGGLING

**Hon. A. Raynell Andreychuk:** Honourable senators, my question is for the Leader of the Government in the Senate is on another topic. A joint intelligence study conducted by the RCMP and the Department of Citizenship and Immigration reports that almost 12 per cent of the people who arrived in this country between 1997 and 2002 were linked in some way to smuggling operations. This number represents just under 15,000 people. As a result of this activity, the report argues that "Canada has emerged as a preferred destination in the human smuggling marketplace."

As honourable senators are aware, there is a link between human smuggling and trafficking. It is often those who are least able to help themselves who are subject to the trafficking: women, children and often the poorest of the poor coming from the poorest countries. What is the federal government doing to dispel this perceived reputation around the world that Canada is a haven for people-smuggling operations? What steps are we taking to deter or effectively stop smuggling?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I concur with Senator Andreychuk that human smuggling is one of the gravest of crimes. It is to be deplored and action must be taken against it. The government intends to introduce legislation shortly to deal with the issue.



**Senator Andreychuk:** This is not a new issue. The government knew in June 2003 from an RCMP report that warned Canada soon would witness an increase in illegal migrants and people smuggling. Not long after the report was released, the U.S. State Department criticized Canada's efforts to prosecute human traffickers as being "uneven." It ranked our efforts at combating the problem alongside such countries as Rwanda and the Democratic Republic of Congo — two countries that are in a state of conflict. In light of this report and these perceptions, why did the government not take steps two years ago or propose further legislation in an attempt to stop this smuggling? Will the government do so immediately?

**Senator Austin:** Honourable senators, at times I wish that supplementary questions took into account the response to the first question.

In this case, as I have said, the government is planning to introduce legislation soon. It is not a significant comment to say that a report was released in 2003 and we are still waiting for action. Senator Andreychuk is aware that these issues are much more complicated and that steps must be taken in accordance with international norms and the practices developed in international institutions to deal with such issues. Canada has to be in concurrence with those steps. The honourable senator is quite aware of these practices.

The comparison of Canada to other nations is also not appropriate because our circumstances are entirely different and the evaluation of the facts does not demonstrate any parallels.

**Senator Andreychuk:** The comparison was not mine but was made by Canada's neighbour, the U.S. My question was: How are we changing those perceptions? What steps have we taken to demonstrate to the United States our attempts at improvements?

The United Nations and some countries have been working continuously on this issue. At the international level, this is not a new issue. We know the shortcomings in the laws and we know what we have to do: work with our allies. Again, what steps are being taken by the government so that when we represent Canada around the world we can assure people in crisis situations that we are taking this issue seriously?

**Senator Austin:** Honourable senators, I hope that when legislation is introduced, Senator Andreychuk will be supportive of it and help to give it speedy passage.

**Hon. Anne C. Cools:** Honourable senators, each day in this chamber I hear, "pass this bill quickly; pass that bill quickly."

**The Hon. the Speaker:** Did Senator Cools wish to respond to the question? Honourable senators, I would like to explain what has happened. I apologize for being distracted when I heard Senator Cools speaking. I assumed that she wanted the floor and so I gave her the floor. I now offer the Leader of the Government in the Senate the floor to respond to the honourable senator's question.

**Senator Austin:** Honourable senators, I did not hear the question of Senator Cools.

**Senator Cools:** Honourable senators, I was merely responding to the leader's remarks to another senator inviting support and hasty consideration of a bill. It seems to be a matter of course now in this chamber to expect each and every bill to be passed hastily. I merely wondered aloud about this way of operating that seems to have become a practice.

My question for the Leader of the Government is: Why the haste? Why is it necessary to pass legislation so speedily?

• (1430)

**Senator Austin:** Honourable senators, it seems to me that the statement of Senator Cools is rhetorical.

## TRANSPORT

### AIRLINE INDUSTRY—SCREENING OF PASSENGERS AGAINST UNITED STATES GOVERNMENT WATCH LIST OF TERRORISTS

**Hon. Pat Carney:** Honourable senators, my question is directed to the Leader of the Government in the Senate. He is, of course, aware that senior Canadian Transport officials have met with the U.S. Department of Homeland Security with regard to a U.S. proposal that would obligate Canadian air carriers to screen their passengers against U.S. anti-terrorism watch lists when domestic flights fly over U.S. territory, as the honourable senator and I do on a weekly basis. As many as 1,000 flights of this nature take place per week.

Could the Leader of the Government please update us on the progress of these discussions, if he can find his place in the book?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is incumbent upon me to reply to the last few words of Senator Carney's statement. As honourable senators know, there is only one minister in this chamber, and the Leader of the Government in the Senate is required to respond to questions that relate to the entire ministry of Canada. There is from time to time a desire to assist by answering senators opposite more speedily, and that is done by having a reference book to which I can turn to provide answers. If there is a difficulty with that, I am prepared not to bring a book here and simply to take notice of all questions and provide responses as delayed answers.

I now move to the substantive part of Senator Carney's inquiry: Senator Stratton would like me to be succinct, so I will say, honourable senators, that this matter is under the most active consideration — which is a different category from just "active consideration" — and discussions are underway between Canada and the United States with respect to the application of the rule to Canadian over-flight.

**Senator Carney:** Honourable senators, my supplementary question is addressed to the Leader of the Government as well. I am glad that he has instructed us on the difference between "most active consideration" and "active consideration", because we can take that into consideration on the timing of some of these issues.

The Office of the Privacy Commissioner of Canada has said that the U.S. proposal raises a host of privacy issues. This office will also do a privacy impact assessment of the U.S. proposal if it is adopted.

The honourable minister is an expert on aspects of international law. How can the government equate this need to be helpful to the Americans in fighting terrorism with the fact that our privacy laws and procedures must be respected?

**Senator Austin:** Honourable senators, the issues are both separate and conjoint. We have statutes that are to be applied with respect to the laws of Canada. Privacy is, of course, one of those areas, and it impinges upon our relations with other countries, in particular, in this case, the United States.

As honourable senators know, we have a special committee reviewing the anti-terrorism legislation, the former Bill C-36, and these issues are being examined through evidence before that committee.

It is always very difficult to balance the security of Canadians, in light of worldwide-reaching terrorist activity, with the values of privacy and other civil rights that are so very important to us. The primary duty of any country is the physical security of its citizens. The United States is acting on its own "bottom" — if I may use that expression — with a view to protecting the security of its citizens. Its unilateral actions do, of course, impinge on other countries. When we see what their starting points are, we will, as would any government of Canada, take steps to see whether and how the objectives of the United States and Canada can be reconciled.

This is a normal practice in such areas as trade, with which Senator Carney is quite familiar. Conflicts of objective need to be resolved, in this case both bilaterally and within Canada, and that is what is taking place in the Special Committee on the Anti-terrorism Act.

**Senator Carney:** Honourable senators, I appreciate that answer, but it seems to suggest that our privacy laws would be changed to accommodate U.S. interests. That is a legitimate government objective, if that is what the government chooses to do, but was that the intent of the minister's answer?

If our privacy laws cannot accommodate the American objective of controlling passengers over U.S. territory, are our laws supreme or is U.S. action supreme on this issue?

**Senator Austin:** Honourable senators, to state the obvious, our laws are supreme in Canada and United States laws are supreme in the United States, and the United States has the sovereign right to determine the terms on which anyone is transported across U.S. airspace.

I did not suggest that we were about to accommodate or to change. I described the "geography" of the issue and said that discussions are underway. At the moment, I have no way of signalling to this chamber where those discussions will go.

[Translation]

## CITIZENSHIP AND IMMIGRATION

### CITIZENSHIP STATUS OF SPOUSES AND CHILDREN OF VETERANS WHO MARRIED OVERSEAS

**Hon. Pierrette Ringuette:** Honourable senators, my question is for the Leader of the Government in the Senate. A number of young New Brunswickers came back to Canada after the Second World War with war brides and in some cases babies born in the countries where the fathers had been stationed. In the chaotic circumstances of their return, they did not receive the necessary citizenship and immigration documents. Nevertheless, these people paid for years into the pension and other plans.

Today these dependants of veterans, some of whom live in my region, have reached retirement age. They have been paying into the system but have never been officially recognized as Canadian citizens. Now they cannot receive any benefits as a result. What is more, the documents they are being asked to produce are very often unavailable. Their parents got married in Holland, France or some other country a long time ago, in some small village, the name of which no one remembers.

Can the Minister of Immigration take steps now to make it easier for the children of our veterans to have access to the same benefits as Canadians as well as to Canadian citizenship?

[English]

• (1440)

**Hon. Jack Austin (Leader of the Government):** I cannot answer Senator Ringuette's question in general, but I would be prepared to work diligently on the question in particular. If the honourable senator has particular cases to bring to me, I would be very happy to see what I can do to assist.

## BUSINESS OF THE SENATE

**Hon. Jack Austin (Leader of the Government):** Honourable senators, while I am on my feet, I would inform the chamber that a bill presented by Senator Kinsella, Bill S-2, on an aspect of citizenship, will be given Royal Assent this afternoon.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting two delayed answers to oral questions raised in the Senate. The first response is to a question raised by Senator LeBreton on April 19, 2005, concerning the External Review Committee's recommendation to reinstate Corporal Robert Read.

[English]

I also have a delayed answer in response to an oral question raised in the Senate by Senator Cochrane on April 14 regarding the reliability of weather forecasting and storm tracking in Newfoundland and Labrador.



## ROYAL CANADIAN MOUNTED POLICE

### REINSTATEMENT OF CONSTABLE ROBERT READ

*(Response to question raised by Hon. Marjory LeBreton on April 19, 2005)*

It should be noted that the Government of Canada does not involve itself in the day-to-day operations of the RCMP. In the case of Corporal Read, the Commissioner did not agree with the ERC's recommendation that he be reinstated in the RCMP. His decision was based on the prior finding of an RCMP Adjudication Board that Corporal Read contravened the RCMP Code of Conduct between 1996 and 1999 by disclosing confidential/classified information to unauthorized persons, by retaining classified documents without authority, and by failing to obey a lawful order not to share information with any journalist. Although the Commissioner did not agree with the ERC's recommendation, Corporal Read has appealed his case to the Federal Court of Canada. At this time, we are awaiting a decision from the Federal Court, which is the recourse mechanism to the Commissioner's decisions involving grievance cases.

The RCMP already has mechanisms in place to protect those employees in the Force who choose to disclose wrongdoing. In fact, the RCMP legislation goes further and specifies that an RCMP member would be in violation of the RCMP Code of Conduct if he or she becomes aware of an offence and does not report it. Bill C-11, introduced by Minister Alcock on October 8, 2004, would require the RCMP, as an excluded organization, to establish procedures comparable to those set out in the Bill, for the disclosure of wrongdoing, including the protection of persons who disclose the wrongdoings, as soon as possible after the coming into force of the legislation.

## THE ENVIRONMENT

### NEWFOUNDLAND AND LABRADOR—RELIABILITY OF WEATHER FORECASTING AND STORM TRACKING

*(Response to question raised by Hon. Ethel Cochrane on April 14, 2005)*

On Wednesday, March 16, a high water and wave event occurred in a number of communities in Trinity Bay, with the highest impacts felt in Cavendish and Flat Rock. An intense storm, well off shore, generated waves which rode along the high tide to create an extreme erosion event in the communities, damaging a breakwater and roadways. Indications of high ice pressure along the shore and higher than normal water levels were issued in the Marine Synopsis leading up to and during the event. As well, a Special Weather Statement had been issued on the Monday, two days earlier, indicating the same information and was later reissued on the Wednesday for the evening high tide, including the expected recurrence of high wave conditions. The Special Weather Statements are faxed automatically to the Newfoundland and Labrador Emergency Measures

Organization. However, a Storm Surge Warning was not issued because the information available to the forecaster leading up to the event indicated water levels only marginally higher than normal that would not warrant a full warning.

The quality of our existing services notwithstanding, Environment Canada is committed to continued improvement in its forecast performance, especially in extreme weather situations. A number of steps are being taken which will contribute to further enhancing the forecast quality over the next year as well as to alerting emergency organizations and key users. Among these steps, Environment Canada is increasing its use of Special Weather Statements to alert the public to potential dangers and the uncertainty in the forecasts and warnings. In addition, steps have been implemented to provide early briefings of potential concerns to Newfoundland and Labrador Emergency Measures Organizations.

In order to improve the weather service in the long term, not only in Newfoundland and Labrador, but for all of Atlantic Canada, Environment Canada created the Atlantic Storm Prediction Centre in Dartmouth which is a consolidation of the forecasting functions from the former Weather Centres in Gander, Newfoundland and Labrador, Fredericton, New Brunswick and Dartmouth, Nova Scotia. The Centre is co-located with the new Marine and Coastal Meteorology Laboratory in order to bring the latest meteorological research into the forecast operation. In addition, Weather Preparedness Meteorologists have been established in Newfoundland (Gander and St. John's) as well as in the other Atlantic provinces to interact with media, emergency organizations and special users. In Gander, the National Marine Services Office has also been established to develop services for the Marine Community, nationally.

As a result, Environment Canada's meteorological team in the Atlantic Storm Prediction Centre, in Dartmouth, is made up of well-trained, talented and dedicated individuals who strive to deliver the best possible forecasts to the public at all times. Nearly half of our forecasters at the Centre came from the Newfoundland Weather Centre in Gander and the majority of the others have experience working in Newfoundland.

In March of this year, there were several challenging storms that developed rapidly over the Atlantic Ocean south of Atlantic Canada. This type of storm is not unusual, but a lack of surface weather information in this area and the fact that our computer models of the atmosphere often have difficulty with storms in this area makes forecasting extremely difficult regardless of the location of the forecast office.

In fact, the suite of tools that forecasters use to develop forecasts is unchanged: surface observations, radar, satellite imagery, numerous atmospheric computer models and automated guidance tools. Forecasters in any location analyze this information and, based on their experience and judgment, issue forecasts.

Meteorology has never been a perfect science: there is always a level of uncertainty in the production of weather forecasts and there will always be situations that are not predicted accurately. Our quest is to increase the accuracy for which we constantly monitor our performance. That being said, an analysis of the forecast accuracy of the public forecasts in Newfoundland since the move to the Atlantic Storm Prediction Centre compared to those issued over the last number of years at the Newfoundland Weather Centre indicates no significant change in forecast accuracy.

Environment Canada will therefore continue to develop the Atlantic Storm Prediction Centre and its associated units, a strategy we believe will provide the best quality forecast to the citizens of Newfoundland and Labrador in the future.

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## CITIZENSHIP ACT

### BILL TO AMEND—MESSAGE FROM COMMONS

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill S-2, to amend the Citizenship Act, and acquainting the Senate that they had passed this bill without amendment.

[Translation]

## PATENT ACT

### BILL TO AMEND—MESSAGE FROM COMMONS— SENATE AMENDMENTS CONCURRED IN

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons, acquainting the Senate that they have passed the amendments made by the Senate to Bill C-29, to amend the Patent Act, without further amendment.

[English]

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## ORDERS OF THE DAY

### BUDGET IMPLEMENTATION BILL, 2004, NO. 2

#### THIRD READING—MOTION IN AMENDMENT— DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Dallaire, for the third reading of Bill C-33, a second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

**Hon. Donald H. Oliver:** Honourable senators, I am pleased to rise today to speak to third reading of Bill C-33, a second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

In my second reading remarks to this chamber, I outlined, in what I thought was a balanced way, the issues with respect to clarification and retroactivity. I will not repeat those remarks today. Instead, I wish to lay out for honourable senators the recent activities of the Standing Senate Committee on National Finance with respect to this important bill.

At the outset, I should like to commend Senator Day, deputy chairman of the committee, for his excellent overview of the government's perspective of this bill.

My remarks will deal with what is called the GAAR, Canada's General Anti-Avoidance Rules, and how our committee dealt with those issues.

Before telling you who came before the committee, let me restate the basic issue. Bill C-33 clearly states that the General Anti-Avoidance Rules, GAAR, would apply if there is a misuse or abuse of the Income Tax Act, the income tax regulations, the income tax application rules or any bilateral tax treaty. It also proposes that the new provisions of GAAR should apply from its inception in 1988.

When the Minister of Finance, the Honourable Ralph Goodale, appeared before our committee, he said, in reference to Bill C-33:

...this is not an explicit case of retroactivity. This is clarification of something that has existed from the beginning, since 1988...

There is a basic saving grace here for taxpayers. If there is no abusive avoidance behaviour, then the taxpayer has nothing to worry about. It is only in the case where there is that behaviour that the action is proposed to be taken.

Honourable senators, our committee heard 17 witnesses who spoke principally on the issue of GAAR and charities. The evidence, the debate and the questions were technical, sometimes difficult, comprehensive, sometimes emotive, and challenging.

The majority of the witnesses who appeared said that the proposed amendments to section 245 of the Income Tax Act will expand the range of transactions to which GAAR may apply. Many of those witnesses were concerned with the retroactive nature of the proposed amendments to the act.

Honourable senators will know that retroactivity, by its very nature, is inimical to justice and to equity. This was perhaps best stated in this chamber last week by Senator Joyal in his analogy to criminal law in this country when he said:

What is legal today cannot, by an act of Parliament, be made illegal tomorrow such that you cannot be charged for what you did legally yesterday in good faith and in full respect of the law.



I practiced law for 32 years, and one of the things that I remember from law school is that Canada is founded upon principles that recognize the rule of law. I am one of those who believes that Bill C-33 is inconsistent with the rule of law, and fairness, because it proposes changes retroactive to 1988.

Honourable senators should know that this is not the first time that this committee has encountered difficulty with retroactive legislation. In the spring of 2003, a budget implementation bill came before the committee that contained a retroactive provision. In that instance, some school boards had gone to court to seek reimbursement of the Goods and Services Tax, GST, that they had paid for the transport of pupils. At that time, honourable senators, the committee outlined in detail what was offensive about retroactive legislation of that kind.

With respect to Bill C-33, our committee held extensive hearings with 17 witnesses appearing in total. Before I tell you who the witnesses were and what some of them had to say, the general feeling, honourable senators, among many of the witnesses was that, if a government, any government, chooses to introduce retroactive legislation to impose tax, it must and should do so expeditiously, as soon as it becomes aware of the issue it wishes to address.

Our witness list included the Honourable Ralph Goodale, the Minister of Finance; the Honourable John McKay, Parliamentary Secretary to the Minister of Finance; Mr. Len Farber, Mr. Brian Ernewein and Mr. Geoff Truman, all from the Department of Finance; Brian Carr, Co-chair, CBA-CICA Joint Committee on Taxation and Chair of the CBA National Taxation Law Section; Mr. Paul Hickey, Co-chair, CBA-CICA Joint Committee on Taxation, Canadian Institute of Chartered Accountants; Mr. Roger Tassé, Q.C., Senior Partner, Gowlings law firm and former Deputy Minister of Justice and Deputy Attorney General and principal constitutional adviser to the federal government; Mr. Scott Wilkie, Senior Partner, Osler, Hoskin and Harcourt; Ms. Georgina Steinsky-Schwartz, President and CEO of Imagine Canada; Mr. Bob Wyatt, Executive Director, Muttart Foundation; Ms. Hillary Pearson, President and CEO, Philanthropic Foundations Canada; Mr. Carl Juneau, Personal Income Tax Division, Finance Canada; Mr. Wayne Adams, Director General, Income Tax Ruling Directorate, Canada Revenue Agency; Mr. Yvan Roy, ADM and Counsel to the, Department of Finance; and on the last day, we heard from Mr. Marc Lalonde, currently a senior partner at Stikeman Elliott and former minister of a number of different portfolios including Finance, Justice, Health and Welfare, Federal-Provincial Relations, and Energy, Mines and Resources.

Honourable senators, I should now like to take you through some of the arguments of Mr. Roger Tassé. He came before the committee because he was deeply concerned about the proposal to make the substantive changes to GAAR retroactive to September 1988. His feeling, he stated, was that it was unfair to Canadian taxpayers, and it was poor public policy.

Honourable senators, Roger Tassé made it clear that the concept of retroactivity is not something that is new to parliaments or provincial legislature. It has happened before. As he put it:

• (1450)

The making of legislation retroactive so that it will apply back to a date earlier than the date on which it is adopted, as we all know, is not a new phenomenon. I would not be surprised if most, if not all legislatures, have resorted to retroactivity from time to time in the exercise of their legislative authority.

And in matters where legislatures had not specifically provided for a retroactive application of their legislation, the courts have been called upon to determine the proper application of the well-established presumption against the retroactive application of legislation.

A law is retroactive when it is made to apply to the past so as to change the effects it had in previous years and on the basis of which individuals and enterprises have conducted themselves. But, in the interest of fairness, equity and the stability of our legal environment, our courts have, including at the highest level, approved retroactive reading of legislation in exceptional circumstances. There are, indeed, situations where retroactivity is justified.

Honourable senators, after he elaborated further on some of the circumstances in which Parliament and legislatures have found justification in retroactive legislation, he then asked the question:

Does this proposal C-33 constitute acceptable retroactive clarifying legislation?

Honourable senators, taxpayers should be able to expect certain tax results when they plan their investments on the basis of the rules as they know them and as they understand them. The budget proposals refer to the changes to the GAAR as being "clarifying in nature," but the budget proposals do not mention that they would be made retroactive. The notes to Bill C-33 refer to the changes as a provision to ensure that the GAAR apply to transactions affected through the misuse or abuse of the regulations or tax treaties, but again, there is no reference to retroactivity. It was hidden.

Mr. Tassé, the former Deputy Minister of Justice, said:

My view is that Finance Canada, in proposing that the changes to the scope of the application of the GAAR to include tax treaties and the regulations retroactive to 1988, has not followed its own 1995 *Comprehensive Guidelines*.

Honourable senators, I will not take you through all those guidelines, but they are listed in the transcript for you to read, and I will refer to a couple of clauses of one of them.

One of the guidelines that the department itself, when determining whether it could have clarifying legislation, stated was "that the amendments must reflect a long-standing, well-known interpretation of the law." The department's document goes on to state:

When the Department publicly and unequivocally advocates a given interpretation over a long period of time and where such interpretation has been followed by most taxpayers in the filing of their income tax returns, it does not unduly disrupt the reliance of taxpayers to amend the law so as to confirm this interpretation following an adverse decision which, while constituting a legal interpretation of the existing legislation, has an effect equivalent to a change in law.

Honourable senators should know that the GAAR, when it was adopted by Parliament in 1988, by its very wording applied only to the Income Tax Act. Section 245 did not refer to tax treaties and did not refer to income tax regulations.

Roger Tassé and several other witnesses pointed out to the committee that Finance has adduced “no evidence contemporaneous with the introduction of the GAAR which would show that the intent was that the GAAR would apply to tax treaties and the Regulations.”

Honourable senators, tax and tax interpretation is something that is left to a small body of Canadians who have become experts in that area. I am certainly not one of them. As I earlier said, however, we heard from representatives of the Joint Committee on Taxation of the Canadian Bar Association and the Canadian Institute of Chartered Accountants. From the time the GAAR was introduced, it has generated a considerable amount of discussion as to whether the GAAR applies to tax treaties.

The general view of tax practitioners, lawyers and chartered accountants who are experts in this field has been summarized in the submission to our committee by the joint committee. The joint committee's submission clearly shows that the consensus of tax practitioners, all the way back to 1988, was that there were serious doubts as to whether or not the GAAR applies to tax treaties. None of the experts who appeared before our committee, including experts from the Department of Justice and the Department of Finance, were able to bring forth any cogent evidence rebutting or contradicting the serious objections advanced from time to time by senior tax practitioners questioning CRA's argument that the GAAR can be applied in a treaty situation.

When appearing before our committee, Roger Tassé quoted from a Ms. Nathalie Goyette, a tax lawyer with the Department of Justice, who wrote of this uncertainty in 1995, 10 years ago, in a thesis published by the Canadian Tax Foundation. As to the applicability of GAAR to tax treaties, Ms. Goyette said the following:

First, the wording of section 245 is deficient in that the only abusive transactions that can be impugned are those that are in abuse to the act; those that constitute abuse of tax treaties are not contemplated.

I repeat, honourable senators, she said that they are not contemplated. This is a tax lawyer with the Department of Justice in a learned thesis published by the Canadian Tax Foundation.

She later said the following:

If the intention of the Canadian Parliament is that the taxation authorities should be able to invoke section 245 in respect to cases of abuse of tax treaties, then it has no option but to consider amending the provision.

But not retroactively.

We can see that the CRA's position has been anything but clear and unequivocal, to use the words in their own guidelines.

Honourable senators, the committee, after a major struggle, finally heard from the Honourable Marc Lalonde, a former senior cabinet minister of both Finance and Justice. He told our committee that he wished to register his full agreement with the presentations made by the joint committee of the Canadian Bar Association and Canadian Institute of Chartered Accountants and by Mr. Roger Tassé, Q.C., the former Deputy Minister of Justice in Canada. They all categorically rejected the recourse to the retroactive provisions contained in Bill C-33.

Marc Lalonde reminded our committee that the Department of Finance has always recognized that resorting to retroactivity had to be an exceptional measure that should only be used in exceptional circumstances. He then went on to paint a picture that this was not an exceptional circumstance and honourable senators ought to reject retroactive elements in this legislation.

The key to Marc Lalonde's compelling evidence is as follows. He said, let us assume the Department of Finance is correct, and let us assume that there has been some misuse or abuse in certain circumstances. What then is the remedy? He reminded our committee that there are clear ways of dealing with such problems, but it is not by bringing in retroactive legislation going back to 1988, more than 17 years ago. Instead, he put it this way:

The solution is not to retroactively grant to officials the right to decide what they think the law might have meant between 1988 and 2004. Under the Canadian democratic system, it is for the courts, not bureaucrats, to determine what the law currently is.

• (1500)

He later told our committee:

If the Revenue Canada Agency is of the view that the law has not been respected, let it take the matter to the courts and let judges decide the matter.

Honourable senators, the Honourable Marc Lalonde, Roger Tassé, officials from the Joint Committee on Taxation of the Canadian Bar Association and the Canadian Institute of Chartered Accountants and others all pointed out that the cases that have so far been decided in the courts do not help the agency. On the other hand, the agency relies on some *obiter dicta* in one case, but here is what Marc Lalonde told our committee about that:



On the occasion of his appearance before this Committee on April 20 last (p.1820-9), the Minister of Finance declared that the only judicial decision involving GAAR and treaties has been favourable to the Crown.

Honourable senators, I asked the Director General of the Income Tax Rulings Directorate of the Canada Revenue Agency, Mr. Wayne Adams, this question: "What will the passage of Bill C-33 do to the investigative work you are doing on GAAR-related cases?" This was his response:

I do not know that it would represent a real change to any investigative action we take. Some of the commentary in the public has proven to be a distraction to our justice lawyers as they prepare to go to trial on these cases.

Some of the commentary in the public has been a distraction to some of the trial lawyers, and this is the basis upon which we bring in retroactivity?

Marc Lalonde summed it up best in his opening statement to our committee when he said:

I did not know that the fact that lawyers in the Department of Justice could be distracted by a difficult legal problem should mean that you should retroactively legislate for 16 years and ensure that there will be no distraction for the lawyers and the Department of Justice. What has the Department of Finance got to fear?

Honourable senators, I want to conclude by saying a few words about the role of the Senate. On several occasions since I have come here, I have spoken openly about the role of the Senate and Senate committees and that as a body of sober second thought we should look carefully at public policy issues. The doctrine of retroactivity to change the law at the expense of Canadian taxpayers, for which there is ample evidence that it is against the rule of law, is unfair and is a subject that should capture honourable senators' attention. I urge honourable senators to listen to the other senators who likewise wish to comment on the evidence that came before the committee and give it their due consideration.

**Hon. David P. Smith:** Would the honourable senator accept a question? I ask this in good faith, because I do not know the answer.

With regard to the representations made by Roger Tassé and Marc Lalonde, does my honourable friend know if they attended the committee at their own expense as public-spirited citizens, or were they there in their professional capacity representing some client on a fee-paying basis? If so, does the honourable senator know who the clients are?

**Senator Oliver:** Those questions were posed to the witnesses during the committee meeting. Mr. Tassé is a lawyer. He had given a legal opinion to a law firm in Ontario, and he said that this question arose when someone said, "Have you read Bill C-33 and did you know that there is a clause in it that might be retroactive?" He said, "No, I did not know that, but I will have a

look at it." He then looked at it and said to them, "It is a retroactive clause." He indicated that he had been retained, and he gave that evidence. When he appeared before the committee, he was not appearing for that law firm, his law firm, and he was not appearing for any client.

Mr. Marc Lalonde said that he had been retained as a lobbyist and has registered as a lobbyist. The names of his clients are part of the public record. He gave the names of those clients. He also said that he wanted to appear before us, not because he was a registered lobbyist for clients who live outside of Canada, but because he is a former Minister of Justice and a former Minister of Finance.

#### MOTION IN AMENDMENT

**Hon. Lowell Murray:** Honourable senators, I shall propose an amendment right away and then speak to it as soon as His Honour has put it to the Senate.

I move, seconded by Senator McCoy:

That Bill C-33 be not now read a third time but that it be amended:

(a) in clause 52, on page 66, by replacing lines 9 to 15, with the following:

**"(4) Subsections (1) to (3) apply with respect to transactions entered into after March 22, 2004."**

(b) in clause 53, on page 66, by replacing lines 21 and 22, with the following:

**"(2) Subsection (1) applies to taxation years and fiscal periods that begin after 2004."; and**

(c) in clause 60, on page 73, by replacing lines 1 to 3, with the following:

**"(2) Subsection (1) applies with respect to transactions entered into after March 22, 2004."**

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Senator Murray:** Honourable senators, I think it will be obvious that the effect of the proposed amendments will be to remove the provision for retroactivity dating back 16 years and to make those provisions effective as of the March 2004 budget. Some honourable senators will also be aware that I tried these same amendments on at the committee, but they did not pass.

When Senator Austin was critiquing my speech at second reading last week, he suggested that the speech would have been better given after the committee and at third reading. I will resist the implicit invitation to repeat now what I said then, but I will observe that the views I expressed at second reading were strongly reinforced by the deliberations over three days of the Standing Senate Committee on National Finance.

Frankly, honourable senators, the government, and the Department of Finance in particular, had a very bad two or three days in that committee on this bill. The main arguments that they had put forward in support of this 16-year retroactivity were dubious enough on their face to begin with, but they were demolished by the expert witnesses that we heard at the committee.

Argument number one, and we heard it from the minister and his officials at the very first of our three meetings on this bill, was that these provisions are not really retroactive at all.

• (1510)

Well, the only support they got for this unusual and implausible assertion was from Mr. Scott Wilkie, a tax practitioner who came to support the provision. His argument was so subtle and technical as to be virtually incomprehensible to a layman. He rested much of his argument on what he perceived as emerging consensus in international law to crack down on tax avoidance in treaties. I believe I am putting it right. He told us that the legislation may be retroactive but the law would not be retroactive. So far as I am aware, no one quite understood what that meant.

He then told us that even if it is retroactive it does not hurt anyone because, after all, the Crown has to prove that there was an abuse in the first instance before they can proceed.

Against that position — and Mr. Tassé and others pointed it out directly to him — the issue is whether taxpayers who have arranged their affairs on advice on the basis of a law as it was then written and understood to be between 1988 and 2004 ought to be subject to a 16-year retroactive change in that law.

Our old friend Senator Frith used to subject some of these things to what he called the reasonable person test. The assertion of the government and one or two of its apologists to the effect that this provision is not really retroactive at all abysmally fails that test.

The second argument they use is that this retroactive measure is really a clarification, that from day one it has been the government's position that the General Anti-Avoidance Rule, the GAAR, applies to tax treaties and that this position was well understood and accepted in the tax community. That argument would be a powerful and perhaps decisive argument in favour of retroactivity if it were true, but at the committee — and senators can examine the testimony, some of which has been put on the record already by Senator Oliver — the government was utterly unable to substantiate its claim that this had been its position from day one and that the position was well understood in the tax community.

The evidence was all to the contrary. I will quote briefly from what Mr. Tassé had to say about that matter:

The Department of Finance has produced no evidence contemporaneous with the introduction of the GAAR in 1987-88 which would show that the intent was that the

GAAR would apply to tax treaties. Furthermore, shortly after the coming into force of the GAAR on September 13, 1988, the CRA published a detailed information circular analyzing the possible application of the GAAR to 22 separate hypothetical transactions, none of them involving the interaction between the act and either the tax treaty or a regulation.

Mr. Lalonde, when he came to it, told us that opinions are divided on the subject. Far from accepting the government's contention that its position was held from day one and was well understood in the tax community, Mr. Lalonde said:

Opinions are divided on the subject. There have been debates in the legal and fiscal community on this subject for years. For whatever reason, the government decided to remain practically silent on the subject until the introduction of this bill, trying to go back some 16 years backwards.

Senator Oliver has placed on the record, and I will not do so a second time, the statements made, albeit as a private citizen in writing a thesis, by Nathalie Goyette of the Department of Finance, pointing out one of the deficiencies in the GAAR is that it does not apply to tax treaties and that if the government wanted it to apply to tax treaties it ought to legislate to that effect, but not of course, as Senator Oliver said, retroactively.

In addition, in the brief presented by the Canadian Bar Association and the Canadian Institute of Chartered Accountants, there is a four-page appendix of commentaries on the GAAR dating back from 1988, all through the years, indicating how unsettled are the opinions on the question of applicability of the GAAR either to income tax regulations or to tax treaties.

Now the reality is and the recent history is that there have been two cases — and I did raise this at second reading — in the courts in which the courts decided that the GAAR did not apply to regulations under the Income Tax Act. The government launched appeals of those cases and then dropped the appeals. That tells us something. There are two cases on the question whether the GAAR applies to tax treaties. They were going to court and the government settled those cases on the courthouse steps. What that says to this layman is that the government was afraid it would lose, and instead of taking its chances in court, it came to Parliament with a provision to make its view on the applicability of the GAAR retroactive 16 years back.

[Translation]

Mr. Tassé was astounded to see the government take such an initiative. It is unprecedented. It is unheard of. That is what Roger Tassé testified.

[English]

The tax practitioners have been arguing about this issue for years, and Mr. Wayne Adams from the department and Mr. Yvan Roy, their legal counsel, acknowledged as much under questioning in the committee.



The third argument that they have used to discourage amendments, such as the one I presented today, is that if one makes such an amendment prospective, say from 2004 forward, this would imply necessarily that there had been something different in place from 1988. That argument, too, was disposed of in short order by the Canadian Bar Association, by Mr. Tassé and by Mr. Lalonde, who had only to cite the relevant part of the Interpretation Act. I will give honourable senators the flavour of Mr. Lalonde's testimony on that point. He said in committee:

The argument that a prospective amendment would destroy the government's position for the past is bogus. Firstly, the Interpretation Act is clear on the meaning to be given to an amendment. Let me read it to you at article 45.2. I quote...

Then Mr. Lalonde quotes the relevant provision:

The amendment of an enactment shall not be deemed to be or to involve the declaration that the law under that enactment was or was considered by Parliament or other body or person by whom the enactment was enacted to have been different from the law as it is under the enactment as amended.

Mr. Lalonde goes on:

The federal Interpretation Act is quite clear and categorical in that respect. Nobody is entitled to conclude from an amendment introduced on a prospective basis, that it is changing the law or the practice as it is, that has existed before.

• (1520)

He goes on to say,

My second point on this issue of the interpretation I have already mentioned. The officials testified yesterday, and they were adamant, that the law is clear on treaties. If it is clear, why do you need this amendment? Let the judges decide. Why do you need an amendment if it is clear?

Honourable senators, the effect of my amendment would be to make the GAAR applicable to tax treaties as of the budget of 2004, and that is for cases that would come up from 1988 until 2004. Let the government and the taxpayers take their chances in court. That is the effect of my amendment.

I wondered aloud when I spoke at second reading how a provision like this ever made it through the cabinet system that some of us know and have worked in.

**Senator Cools:** Strange.

**Senator Murray:** Mr. Tassé to some extent put his finger on it when he said that fiscal matters are so closely held in the Department of Finance that it becomes a very few senior officials and the lawyers who have decided that these measures do not really go through the normal cabinet vetting system of checks and balances. I think that is probably the case.

[ Senator Murray ]

Mr. Lalonde, who is nothing if not thorough, took a look at this bill and mentioned that, in two pages of notes attached to this bill, while there is a reference to the GAAR, the notes gave not the slightest hint that the provision will be retroactive, much less retroactive 16 years. He suggested, probably with good reason, that this same misleading information is what was probably in front of ministers. As he said, ministers do not spend their nights pouring over technical bills. They accept the word of their officials. The word of their officials in this case was that this bill is just a clarification and they were not to worry as it was nothing out of the ordinary.

**Senator Cools:** Do not worry, okay.

**Senator Murray:** Honourable senators, we are all aware that we are in a somewhat uncertain situation in Parliament these days. I believe that honourable senators, all of us, and perhaps in particular honourable senators on the government side, have been placed in front of a dilemma, which I believe to be a false dilemma. We are told that if an amendment to this bill passes, naturally, the bill would have to go back to the House of Commons. The problem is, first, one of timing. This is a budget implementation bill for the budget of 2004. We have already had the budget address of 2005, and that implementation bill is waiting in the queue until the 2004 implementation bill is passed.

**The Hon. the Speaker:** Sorry to interrupt, but your 15 minutes have expired. Are you asking for additional time?

**Some Hon. Senators:** Yes.

**Senator Murray:** A short time, if I may.

**The Hon. the Speaker:** Leave is granted for an additional —

**Hon. Bill Rompkey (Deputy Leader of the Government):** The normal practice is an addition of five minutes, if Senator Stratton agrees.

**Senator Cools:** It is not a practice; it is something you have cooked up.

**The Hon. the Speaker:** It is agreed on five minutes.

**Senator Murray:** I hope I can make my point in fewer than five minutes. As honourable senators know, we are staring down the gun barrel of dissolution of this Parliament.

**Senator Mercer:** No, no! Four more years!

**Senator Murray:** We could possibly be in the situation in which the implementation bills for the budget of 2004 and 2005 will die on the Order Paper. All these considerations are being put forward in an attempt to persuade honourable senators to vote down any amendment to this bill.

Honourable senators, I can speak only for myself on this, but we have faced these kinds of dilemmas before. Those of us who are old enough to remember or to have served under the late Senator Salter Hayden when he was Chairman of the Standing Senate Committee on Banking will remember how dilemmas were

resolved when he was a committee chairman. Typically, Senator Hayden would go to the responsible minister and negotiate with that minister a written commitment that at the first opportunity, when technical amendments to the bill were being brought in, the minister would correct the offending provision, whatever it was. On that basis and with that commitment, Senator Hayden would come to the Senate and persuade us to pass the bill as is. It is perhaps not a very elegant procedure, but it has been an effective one, not infrequently, in the past.

I can speak only for myself on this, but I understand very well the timing constraints and other pressures on the government and on honourable senators with regard to this bill. If the Senate agreed, I would withdraw my amendment if a commitment could be obtained from the minister or from the minister through the Leader of the Government in the Senate to the effect that this 16-year retroactivity provision would be changed at the coming into force of those provisions, the date of which would be changed to 2004. On that basis, we could pass the bill as is and await the technical amendments that would come later on the basis of a minister's commitment.

I put that to the honourable senators. It is not my role to negotiate with the Minister of Finance. There are honourable senators here who, I am sure, are able to be in touch with him and to try to persuade him that this would be an honourable course to follow at this stage. I put that forward because, honourable senators, no parliamentarian in a country like ours should be asked to vote for a provision like this, offensive as it is to one of the basic principles of our Constitution, namely the rule of law.

**Some Hon. Senators:** Hear, hear!

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I would like to address the issues Senator Murray has raised with respect to Bill C-33. He has focused his attention principally on the General Anti-Avoidance Rule provision, clause 60 of Bill C-33.

It is clear there is a wide gap in understanding the factual situation. That gap cannot be reconciled by the Senator Hayden suggestion that Senator Murray put to the chamber a few moments ago because we are not looking at something that is a technical error in a bill to be corrected by a minister's undertaking to provide legislative change at a future time.

We are looking at quite a different situation, honourable senators. The situation is not that the matter is retroactive from the point of view of the government. The situation is, as I believe demonstrated by the minister in his evidence and by other evidence before the Standing Senate Committee on National Finance, and I did attend some of their meetings, that there has been a long-standing knowledge on the part of the tax practice community as to the interpretation by the government, by the Department of Finance and the Canada Revenue Agency, that what is known as GAAR, the General Anti-Avoidance Rule, applied both to the regulations and to the treaties and was intended to do so from the initiation of the introduction of GAAR into the tax legislation in 1988.

• (1530)

I would point out that the provision to which we are referring was in legislation introduced by the Minister of Finance of the time, the Honourable Michael Wilson. It stretches the imagination that a measure would be introduced by a sophisticated Minister of Finance such as the Honourable Michael Wilson that would apply only to the domestic GAAR, would not apply to the regulations that stand entirely on the act itself and cannot enact further responsibilities — that is not the role of regulations — and would not apply to the tax treaties which are based on the same act. Why would a government at that time leave such an enormous lacunae in the tax system? It simply does not make sense. One assumes that the practice was understood from the beginning, and that is the position that the present Minister of Finance has taken, and that is the position that is taken by tax jurisdictions around the world.

Honourable senators, what took place over time, was that certain tax practitioners gave advice to their clients that indicated that there might be a possible, what is known in the practice as, "loophole" in the tax law. The department made its position clear in many ways, some of which were cited in the minister's own presentation to the Standing Senate Committee on National Finance when the minister appeared on April 20, 2005. There were numerous tax conferences with government officials and, repeatedly, the government took the position that the GAAR applied both to the regulations and to the treaties.

However, the matter continued to be one of debate and, further, the matter continued to be one of litigation. It is not open to us in any way that is reasonable to argue that two tax cases settled on the steps of the court can be argued as a concession by the Department of Finance of its position. Complicated tax cases are initiated on many different grounds and are settled for many different reasons. Therefore, I submit to honourable senators, that it is not necessarily helpful to argue from cases that are settled by mutual agreement.

Senator Murray mentioned an article written by an individual in the Department of Justice in 1995. However, in the case of *Equilease*, which was before the federal tax court in 1997, Justice Bowman — as he was then, today he is the Chief Justice of the Tax Court of Canada — said, in *obiter*, meaning in passing, that it was clear to him that the GAAR applied from the very beginning to the tax treaties.

That is not definitive in the sense that the case was determined by that particular issue. The case was determined on other issues, but the GAAR was one of the issues in that case. We can cite several expert tax witnesses before the Standing Senate Committee on National Finance, but Chief Justice Bowman is an outstanding tax practitioner and his views must be taken seriously and have been taken as reliable by the Department of Finance.

The situation here, as Senator Murray has said, is that this is a budget bill and it contains within it a number of provisions that affect tax communities in this country. Senator Day has



mentioned a number of those communities and I simply want to refer briefly to the measures that help those who care for people with disabilities. This bill provides that caregivers may claim medical and disability-related expenses that are incurred on behalf of dependent relatives.

This bill is also important to the voluntary sector, honourable senators. It proposes to modernize the regulatory regime for registered charities under the Income Tax Act. It recognizes the importance of small and medium-sized business and proposes that the increase in the small business deduction limit to \$300,000 be accelerated by one year.

Honourable senators, there are many other items in this bill. Senator Rompkey has asked me to mention that this bill contains a special measure aimed specifically at helping soldiers in the Armed Forces and their families. This proposed provision is in recognition of their willingness to serve their country on high-risk international operational missions. The bill, effective January 1, would provide that Canadian soldiers and police would no longer be required to pay income tax on their income earned from such services. This exclusion applies on income up to the maximum rate of pay for non-commissioned members of the Canadian Armed Forces.

The bill also deals with the air travellers' security charge, an issue that we have discussed in this chamber from time to time, and provides for a reduction in that charge.

It also deals with Aboriginal taxation and proposed amendments to the First Nations Goods and Services Tax Act to facilitate the establishment of taxation arrangements between the Government of Quebec and interested Indian bands situated in Quebec.

Honourable senators, with respect to the GAAR, I should like to read briefly from a portion of the address to the Standing Senate Committee on National Finance prepared by the finance minister on April 20, 2005.

**Senator Stratton:** If you are not a crook, you do not have to worry.

**Senator Austin:** With respect, the minister wrote of the GAAR:

This rule is intended to prevent abusive or artificial tax avoidance schemes, without interfering with legitimate commercial and family transactions.

In seeking to distinguish between legitimate tax planning and abusive tax avoidance, the general anti-avoidance rule aims to establish a reasonable balance between the protection of the tax base and the need for certainty for taxpayers in planning their affairs.

Budget 2004 proposes to clarify that the act's general anti-avoidance rules apply to transactions effected through a misuse or abuse of the provisions of the Income Tax Regulations, a tax treaty or other federal legislation.

That is the simple purpose of this particular provision. It is to clarify a long-standing practice and it is to deal with anti-avoidance practices. Those are practices that have no realistic base in commercial or individual tax activity. They are simply artificial transactions, which are set up to avoid tax liability which otherwise the taxpayer would have incurred.

A simple illustration would be of a business established by a Canadian taxpayer in a foreign tax jurisdiction that is an actual business: it has assets; it has employees; it makes sales or it manufactures goods; it has a facility in the tax jurisdiction. An illustration of tax avoidance occurs when all of that is artificial in that it is simply paperwork with no real commercial activity taking place.

• (1540)

Honourable senators, the minister has truly said that if Canadian taxpayers have put themselves into a foreign tax jurisdiction and are conducting legitimate business, then certainly they do not fall within GAAR's anti-avoidance provisions. If their measures are simply tax planning to avoid Canadian tax — activity only to avoid tax with no true basis in a commercial or personal activity — then the anti-avoidance rules may apply.

I know that some in this chamber would like to see an accommodation in respect of this particular provision. I know that the Minister of National Revenue John McCallum would not agree, because I have had this conversation with him, to applying section 60 only to the tax years 2004 forward. The position of the Canada Revenue Agency is clear: it applies from 1988 as this government believes was intended by the government of former Prime Minister Brian Mulroney and the former Minister of Finance, Michael Wilson.

Honourable senators, I will speak to Minister McCallum although not on Senator Murray's terms, because the minister will not agree to apply section 60 from 2004 forward. In the view of the government, the section has applied since 1988 and will continue to apply from that year.

**Senator Murray:** Take your chances in court.

**Senator Austin:** I will speak to the minister because there is a desire for some assurance as to how section 60 might be interpreted or applied. Whether I am able to obtain additional assurances from the minister, I cannot say. The matter was raised with me in this chamber only a short time ago. I have not left the chamber because I wanted to hear the speeches of Senator Oliver and Senator Murray.

It is completely insufficient to say that the Government of Canada, or any taxpayer for that matter, can "take your chances in court." Honourable senators, the government has a position that it has placed before Parliament. This position was adopted in the other place. This is a confidence bill in the other place. It should be honoured in this place as a confidence bill in the other place.

Senator Murray is correct in saying that if the bill were amended in this chamber, which would be highly unusual for a budget bill, and then sent back to the other place, it could well be lost. Honourable senators, I would urge you to consider voting against the amendment proposed by Senator Murray.

**Hon. Paul J. Massicotte:** Honourable senators, I will speak on the same issue of the General Anti-Avoidance Rule. As senators are aware, in the proposed legislation GAAR would apply from 1988 to treaties and regulations. I acknowledge, with Senator Austin, that the bill contains many other issues that I treasure and deem important to Canadians such that Bill C-33 should be passed as soon as possible.

I will read a government response to the Seventh Report of the Standing Committee on Public Accounts:

The fundamental legal principle of the rule of law, while it does not prevent the use of retroactive changes, clearly favours legal rules that are made public before their application. The importance of these considerations militates against the use of retroactive amendments to the tax legislation as an alternative to litigation. While it would be legally possible to legislate a retroactive correction or clarification every time, the dispute process reveals an interpretation of tax legislation and the Department of Finance disagrees that such an approach would result in a more complex legislation and would conflict with the principle that the court should be the final interpreters of the law and would undermine the certainty that taxpayers should be able to expect from the tax system.

I think all honourable senators agree with that. The argument that the minister raises and the argument of Senator Austin is that this is not a retroactive change and is truly a clarification or formalization of an existing, long-standing and clear understanding of our society. That technical argument is an important issue that we must address when we review this proposed legislation. To do that, it is necessary to go back in time as much as possible to determine what the practitioners, then Revenue Canada and the Department of Finance think about these issues in those years; and how clear was this issue?

Senator Austin referred to a document, a copy of which is available, that indicates the Department of Finance has made a number of statements over the years. It is also important to note that in 1988 when the legislation was put in place they did not issue an interpretation bulletin. Usually IT bulletins are used to define or clarify for the population how certain parts of acts are to be interpreted. We did not see an IT bulletin on this issue, and we have not seen one to this day.

Keep in mind that there was no formal pronouncement from Revenue Canada in 1989. Rather, we are referring to speeches made by the agency that tax practitioners attend. In 1989, then Revenue Canada said that they would possibly apply the GAAR in treaty shopping transactions. They specifically mentioned that issue. In 1993, they said that they may seek application. They did not say that they would seek it or should seek it but that they may seek it.

Mr. Lindsey, a tax practitioner, significant lawyer and principal author of the 1971 tax reform that implemented the recommendations of the famous Carter commission, made comments on this in 1988; and Mr Ward said in 1992 that the application of the GAAR treaty has not been determined. Mr. Richard Tremblay, a senior tax partner of Osler Harcourt said the same thing in 1995. Mr. Gregory said in 1996 that while GAAR may play a restrictive role in definitional matters related to tax treaties as suggested by others referred to above, it is doubtful that GAAR has general applications of tax treaties beyond this narrow connection. In 1999, Mr. Ward said that there may be very powerful arguments that GAAR should not be applied to abuse of the tax treaty. These gentlemen did not say that GAAR should not apply; rather they said that it was not clear that GAAR applies. It is probably an interest to Canadians that GAAR should apply. A review of the documentation makes it clear that it was indeed a very grey area because one cannot determine whether it applies or whether it does not apply.

We referred to Ms. Nathalie Goyette, senior practitioner in the Tax Litigation Directorate at Justice Canada, and Mr. Roger Tassé, former Deputy Attorney General of Canada, who both said the same thing. We have heard the same from representatives of the Canadian Bar Association and others. At committee, two government officials openly admitted on two occasions that the area is grey. They did not say it is clear but they said, yes, it is grey. Two lower court decisions stated that GAAR does not apply to regulations and another said that GAAR does apply to regulations. If the courts cannot agree, the inference is unclear.

Honourable senators, it is very clear that it is unclear and therefore, it is understandable that people would act accordingly. Going back to 1988, it is against the principle of law; certainly it is against the principle of fairness. The other argument could be made that if it is so clear, why leave it? Why have a law? If it is clear, why would you have a law?

• (1550)

In my mind, like I said earlier, it is very clear that it is unclear. It is clear that people did not know how the law applied, and consequently, this proposed legislation is retroactive and punitive, and it is a serious injustice to that percentage of the population.

What is less clear to me is the issue that Senator Austin and Senator Murray addressed in the latter part of the discussion. We are in a political environment. Nearly all of us belong to a political party. As we saw the committee voting, there was a very partisan voting stance by many members. Obviously members of a party believe in the value system of their party and adhere to party beliefs. Many believe it is in the interest of Canada to support their party in situations like these.

I am also left with many questions about our responsibilities as senators. In reading Senator Joyal's book, it is clear that our principal responsibility is to Canadians and what is in the best interest of Canada. One can make the argument on a short-term basis that sometimes the best interest of Canada is supported and served by supporting your political party in certain situations. That area is more grey to me. How do we behave in these instances? I look forward to your comments.



I also appreciate that if we make an amendment and it goes back to the House of Commons, this bill, which has many merits, may not get passed.

I am reasonably new to this chamber. I look forward to the comments honourable senators on how we split our loyalties between our parties and our friends. There is obviously strong pressure to adhere to the party, to belong and to please. I caution, however, that to the extent we divide our loyalties, loyalty to Canadians should nearly all the time override any loyalty or sense of friendship we have to the political party to which we belong to.

**Hon. Anne C. Cools:** Honourable senators, I rise to join this debate. I have grievous concerns about the provisions of this bill. I am pleased that Senator Murray has given me an opportunity to speak in favour of some of his three amendments to the bill. Couched as they are within one amendment, he proposes amendments to three different clauses of the bill.

With respect to the most troublesome one, I begin by placing the actual provisions of the bill on the record. I am referring to subclauses 60(1) and (2), which read as follows:

**60. (1) *The Income Tax Conventions Interpretation Act* is amended by adding the following after section 4:**

**4.1** Notwithstanding the provisions of a convention or the Act giving the convention the force of law in Canada, it is hereby declared that the law of Canada is that section 245 of the *Income Tax Act* applies to any benefit provided under the convention.

**(2) Subsection (1) applies with respect to transactions entered into after September 12, 1988.**

Honourable senators, do not be fooled. Do not be misled into believing that this clause on the plain face of it can be anything other than a retrospective and retroactive enactment because it precisely applies to anything after September 12, 1988. It is retrospective and retroactive with respect to the application of the law.

Honourable senators, I no longer have the naïveté of Senator Massicotte. I resolved my dilemma by crossing the floor. I no longer have to vote day after day on some pretty shoddy and unprincipled stuff.

**Some Hon. Senators:** Oh, oh!

**Senator Cools:** I could go on even longer. I have no problems.

There is no mention in the summary of Bill C-33 to one of the major thrusts of the bill, which is to create a statute reaching 17 years into the past. That, honourable senators, is a serious parliamentary matter. It is something that historically has been thought of as inimical to Parliament, even offensive and repugnant to Parliament.

We must differentiate between certain kinds of retroactive legislation and other kinds. For example, many budget bills are retroactive because they have to be, but they are usually

retroactive to the day that the budget speech was made or to the day that the legislation was introduced. This provision is not of that nature. This clause is of the nature of reaching into the past to change policy and law after hundreds of thousands of Canadians have already concluded their business or personal affairs on the basis of what the law was at that time, which is extremely irregular and extremely improper. If we were living with a strong Parliament, a strong House of Commons and a strong Senate, both chambers would roundly condemn this sort of activity and would actually try to hold ministers to account. Holding a minister to account has become a thing of the past, but I will leave that discussion for another day.

On the question of this kind of extreme radical approach, I would like to cite just one or two authorities on the phenomenon of reaching back into the past to change the law. The language that is normally used is "prospective," meaning looking to the future, or "retrospective" in terms of going back.

We all know Blackstone and the other famous Englishmen constitutionalists, but we know less about the American jurists. I would like to use the opportunity today to put a statement on the record from one of the foremost giants of the law to come out of the United States of America, Theodore Sedgwick. I am reading from his 1874 book called *A Treatise on the Rules that Govern the Interpretation and Construction of Statutory and Constitutional Law*. This is not a recent book, but it is a good one.

Rules, principles and maxims govern how we draft and script laws and how we construct and construe statutes. Chapter 5 contains a small section headed "Retrospective Statutes" At page 60, Sedgwick states:

Retrospective or retroactive statutes. A statute which takes away or impairs any vested right acquired under existing laws or creates a new obligation or imposes a new duty or attaches a new disability in respect to transactions or considerations already passed is to be deemed retrospective or retroactive. The power of a legislature to pass laws having such an effect has often been denied by philosophical writers.

Honourable senators, Sedgwick tells us that the practice of reaching into the past to create new disabilities, especially civil ones, or removing vested rights has often been denied. This is something that I want to put on the record very strongly today.

• (1600)

I also took the time to go to Sir William Blackstone, the English writer on the common law, who predates Sedgwick by 100 years. Sir William Blackstone, in Book One of the first edition, 1765 to 1769, of his famous book, *Commentaries on the Laws of England*, at page 46, said as follows:

All laws should be therefore made to commence *in futuro*, and be notified before their commencement; which is implied in the term "prescribed."

Honourable senators, the preponderance and the weight of parliamentary opinion has been for centuries that retrospective legislation is to be avoided and is to be used only in exceptional circumstances. As a general principle of operation, it should be avoided.

The power that Parliament has over raising taxes is almost sacred. Revolutions have been fought over this very matter, and to my mind that adds a whole other dimension to this phenomenon.

I submit to honourable senators that retrospective legislation in respect of raising taxes and in respect of the Income Tax Act is even more repugnant than other retroactive legislation.

I tried but could get no discussion in the National Finance Committee whatsoever about the phenomenon of the use of retrospective legislation on a matter of taxation such as this, and I have a lot of trouble with that.

I reviewed the proceedings of that committee again, and I invite all honourable senators to do the same.

The committee heard from Mr. Marc Lalonde. It also heard from Mr. Brian Carr and Mr. Paul Hickey, co-chairs of the Canadian Bar Association and the Canadian Institute of Chartered Accountants Joint Committee on Taxation. Mr. Carr and Mr. Hickey both testified about the minister's assertions and strongly condemned the minister's position, as did former Deputy Minister of Justice Roger Tassé, who appeared in his capacity as an individual on May 2, 2005.

Mr. Marc Lalonde, a former Minister of Justice, a former Minister of Finance and a former holder of several other portfolios, appeared before the Standing Senate Committee on National Finance on May 3, 2005. I have great respect for Mr. Lalonde. I served in this place in the last months of Mr. Trudeau's government when Mr. Lalonde was a minister, and I have great respect for his clarity of mind and his intellect. He remains, to date, a former Liberal minister who has not been touched by or any form of scandal or discredit.

I should like to record my disappointment that the steering committee chose to deny Mr. Lalonde the opportunity to appear before the National Finance Committee. In the full committee, that decision was reversed, and Mr. Lalonde was invited to appear.

I, for one, am always appreciative of the insights and knowledge that former ministers bring to many matters. They bring both the theoretical and the conceptual framework of Parliament and the principles of governance in concert with an understanding of the practical workings of government, which is always helpful.

On May 3, 2005, Mr. Lalonde said:

I appear before you not only as an advisor to the law firm Davies Ward Phillips & Vineberg LLP, but also as a former federal Minister of Justice and Finance.

I wish to register my full agreement with the presentations made by the Joint Committee of the Canadian Bar Association and the Canadian Institute of Chartered Accountants and by Mr. Roger Tassé, Q.C., a former Deputy Minister of Justice of Canada, which categorically reject the recourse to the retroactivity provisions contained in Bill C-33.

The Department of Finance has always recognized that resorting to retroactivity had to be an exceptional measure that should only be used in exceptional circumstances.

This is a former Minister of Finance speaking.

I will repeat:

The Department of Finance has always recognized that resorting to retroactivity had to be an exceptional measure that should only be used in exceptional circumstances. The proposed retroactive provisions contained in Bill C-33 do not meet the criteria enunciated by the same department in its report to the Standing Committee on Public Accounts of the House of Commons in 1995.

What these amendments do here is to radically change the law retroactively to 1988. It is specious to argue that it merely clarifies the situation.

Mr. Lalonde is referring —

**The Hon. the Speaker *pro tempore*:** I am sorry, honourable senator, but your time has expired. Are you seeking permission to continue?

**Senator Cools:** Yes, I would love to have permission.

**Senator Rompkey:** We will agree to five minutes.

**Senator Cools:** What would happen if I asked for six? Would I get four?

I must tell honourable senators that I am blessed. I pray and I meditate on the issues of vanity. My purpose in speaking is usually to record something that posterity can read for enlightenment. I do not speak just to hear the sound of my own voice. It is a wonderful state to be in.

Remember that Mr. Lalonde is rejecting, along with the other witnesses, Minister Goodale's evidence that this provision is a simple clarification that should be passed overnight with no debate. He rejects this evidence as specious, wrong and fallacious.

He went on to say:

If the Department of Finance and/or the Canada Revenue Agency are of the view that there has been such misuse or abuse in some circumstances, there are clear ways of dealing with such situations. The solution is not to retroactively grant to officials the right to decide what they



think the law might have meant between 1988 and 2004. Under the Canadian democratic system, it is for the courts, not bureaucrats, to determine what the law currently is. If the Canada Revenue Agency is of the view that the law has not been respected, let it take the matter to the courts and let the judges decide.

Honourable senators, Mr. Lalonde continues throughout his testimony with his clear and lucid mind to destroy the rather weak and feeble testimony that was presented before the committee by Finance Minister Goodale, his Parliamentary Secretary John McKay, and his legal counsel Yvan Roy.

Honourable senators, the government seems to believe that, since the GAAR sections of this bill are so esoteric as to be of interest to only the small preserve in the country of tax specialists, it can get away with these provisions in the bill. In addition, the government seems to think that these provisions only have application to "a few wealthy people," and that that is justification enough.

• (1610)

I appeal to honourable senators to look at this bill. Senator Massicotte was talking about party loyalties. This is beyond party loyalties. This is about the question of the principles that found governance. This is about the principles that determine how we pass legislation.

The government's case has been skimpy, poor, frail, whatever word we wish to use. Government leader Senator Austin, just a few moments ago, again cited the *obiter dictum* of Mr. Justice Bowman. In my view, honourable senators, that proves my point, because the *obiter* that Senator Austin has been citing is not law. At best, it is some thoughts or musings or opinions of a particular judge. Senator Austin's repeated reference to that particular quotation proves the lack of a sound conceptual, intellectual and parliamentary foundation for this retrospective initiative.

I was most disappointed in the less than flattering, if not disparaging, statements that were made about Mr. Lalonde both in committee and here in the Senate. Perhaps they were not quite disparaging but they certainly would cause Mr. Lalonde's integrity, purpose and motivation to be questioned. Personally, I was disappointed that such statements found their way into the record of this debate. Mr. Lalonde stands very high in my esteem, and these days not many Liberals do.

[Translation]

**Hon. Pierrette Ringuette:** Honourable senators, I faithfully attend every meeting of the Senate Committee on National Finance, of which I am a member. All the issues and all the bills that we study interest me. I share the views of Senator Massicotte and Senator Murray, and I also appreciate the comments of Senator Austin. However, there is information that I must provide the honourable senators.

I have attended all the briefings organized by department officials, but at no time was retroactivity or clarification addressed. The issue of non-profit charitable organizations and

the fact that 81,000 of these organizations would be affected was never discussed.

All the positive aspects of the bill, and there are many, have been outlined, but I have difficulty with the fact that, after such positive measures for all our fellow citizens, military and disabled persons, a bill concerning multinationals was added, while I cannot say this was done deliberately.

Rest assured, I am not affected by multinationals. That is not to say I do not know any. I am what we call an "average citizen." However, the average Canadian citizen definitely has an interest in having legal and equity rules in place, regardless of his or her income.

My colleagues all commented on the issue of retroactivity. I have no legal training, but I can tell you one thing: a very simply logic underlies this issue. Indeed, based on the testimonies that we heard from departmental officials, the 1988 legislation is very clear. Therefore, if it is clear, why do we need to clarify it? And if it was made very clear in 1995 with the court's decisions, why do we need these two retroactivity elements? If it had not been clear, would you not have included these two elements in the 1996-97 budgets? There is something here that I cannot figure out and I find this hard to accept.

The other point that I want to bring to your attention has to do with clause 35, which deals with charitable organizations in our country. A letter was faxed to my office this afternoon, and I would like to read it to you:

[English]

Dear Senator Ringuette,

Re: Bill C-33: Disbursement Quota Income Tax Act Amendment.

We were heartened to see the interest taken by the Senate National Finance Committee on the effect of Bill C-33 on registered charities when we testified on May 2.

That brings me to another point. The Senate National Finance Committee was the only parliamentary committee that took the time and respected the non-charitable organizations of this country and heard their representations in front of it this week.

Your comments at the hearing and during the committee's subsequent deliberation on May 3 indicate a keen understanding of the difficulties this legislation will pose for charities. You plan comments on third reading.

That is what I am doing, honourable senators. The letter continues:

Bill C-33 contains the most significant changes to the regulation of federally registered charities in more than 20 years. This legislation profoundly alters the disbursement quota requirements. There is the obligation on charities to spend a certain portion of their receipted donations and/or assets on charitable activities in three specific ways:

(a) It makes charitable organizations registered after March 23, 2004, budget announcement date, subject to a requirement to annually disburse 3.5 per cent of its capital assets on charitable activity and imposes the same requirement on existing registered charities, starting in 2005.

(b) It makes both parties in interorganizational transfers between registered charities subject to meeting a disbursement quota requirement whereas previously only the funding charity had to count the transferred amount in its disbursement quota.

(c) It reduces the annual capital asset disbursement quota requirement for foundations from 4.5 to 3.5.

• (1620)

Let me pause for just a second. Department officials testified before the committee that clause 35 is meant to standardize foundations and charities. In my part of the world, there are not a lot of foundations. We are relatively poor. However, with clause 35, foundations go from an obligated disbursement of 4.5 per cent to 3.5 per cent, whereas non-charitable organizations, namely a normal community non-profit organization which previously had no disbursement requirement, go from zero to 3.5 per cent.

As well as the substantive changes, the bill introduces new concepts such as enduring property and a capital gains pool, which further complicates registered charities' compliance with the Income Tax Act. The disbursement quota requirements are now far too complex for the typical charity with less than half a million dollars in annual revenues and relying exclusively on volunteers to understand. Even where a charity has one or two paid staff, it will not possess the expertise to deal with this type of complex regulatory requirement. Indeed, there are even disagreements among lawyers and accountants as to the effect of these changes on charities, never mind volunteers.

Aside from the excessive regulatory burden this places on sector groups, it will result in some important negative consequences for certain charities. Specifically, the amount of funds many groups have available to meet core costs will be reduced, and cash poor charities risk erosion of their capital assets.

In the question you posed to us on May 2, you raised the issue of a charity that provides low-income housing. As we told you, we do not know whether that charity is going to have to worry about its repair and replacement reserves, or even the value of their housing in trying to determine whether it met its disbursement quota. Potentially, museums, land trusts and charities that operate sports arenas and others are going to be caught in an impossible position.

The original public policy rationale behind the disbursement quota, principally controlling fundraising costs and precluding unlimited accumulation of capital by

foundations, has been superseded by court rulings and other measures. Arguably, these policy goals may no longer even be achieved by the current provisions.

At this stage, with respect to the bill becoming law, we are considering how best to move forward and maintain the liberty of contacting you.

This letter is signed by the three witnesses who came to us from Imagine Canada, Philanthropic Foundations Canada and the Muttart Foundation.

Honourable senators, the points addressed in that letter are cause for concern.

In my community, people work for youth organizations. They sell on a yearly basis in our small, low-income community tickets for a motorcycle so that they can support the local hockey rink. On a yearly basis, they may raise \$25,000 to \$30,000, which they need.

I am also familiar with non-profit groups that have built social housing for our senior citizens. On a yearly basis, they put aside a reserve. A reserve is a capital asset and, therefore, this provision applies. There are 81,000 non-profit organizations in this country and over 2 million volunteers. The other place did not even take the time to meet with them at their request. We did. I think that we also need to look further into this bill at third reading to see how we can accommodate and redress the concerns of various senators.

**Hon. Sharon Carstairs:** Honourable senators, I am pleased to rise and participate in this debate. My honourable colleague on the other side, not the one who just spoke but the previous senator, made reference to the Honourable Marc Lalonde. I think almost all of us in this chamber have a great deal of respect for the Honourable Marc Lalonde, but interestingly enough, my respect for him comes less from his position as a former finance minister than his position as a former health minister. It was in the latter position that Mr. Lalonde recognized, for the very first time, that we had to move away from health care as being a sickness policy toward the concept of health care being a wellness policy. For that, I am deeply grateful to the former Minister of Health, the Honourable Marc Lalonde.

Having said that, however, I would like to commend the steering committee for its decision, not with respect to Mr. Lalonde, but with respect to the position of not having lobbyists appear before a committee of the Senate. I know we have done it in the past, but I think it is wrong. I do not think we should, as a general principle, have paid lobbyists appear before our committees because their evidence, with the greatest of respect to Mr. Lalonde or anyone else, is a reflection of those who pay them.

Honourable senators, I am married to a lawyer. Some of the lawyers in this chamber may disagree, but he would argue very strongly as follows: "You tell me what you want an opinion about, and I will give you the opinion." That is part of what lawyers do. They look to those sides of an argument that would best build their case; so be it. That, too, is what a lobbyist does. He looks to those arguments that would best build his case.



It would be wonderful, honourable senators, if we lived in an absolutely black and white world.

**Senator Cools:** I thought we did.

**Senator Carstairs:** The reality is we do not. When it comes to making decisions as to how we will vote on a particular piece of legislation, we cannot look at just one provision. We must look at all of the provisions within the proposed legislation and decide, on balance, whether it is legislation that does more for us in a positive way or does more for us in a negative way. If it is one that does more for us in a negative way, I would suggest voting against it. If, on the other hand, it is legislation that does more for us in a positive way, then I would suggest that we should support the legislation.

Senator Massicotte raised the issue about party loyalty, and, obviously, we are politically in a difficult situation at this particular point in time, of which we are not really a part. It is something going on in the other chamber. Having said that, we have our own particular partisan loyalties. That is true.

More importantly, I have policy loyalties. I have loyalties on policy issues with respect to what needs to be done in the best interests of Canadians.

When I look at this legislation, I am most concerned about the policy issues. I am concerned that this legislation helps families save for their children's education. I think that is an important policy objective.

• (1630)

I am positive about the tax credit in education because it will allow those who are pursuing additional course work while employed, provided their employer has not paid for that education, to benefit from a tax credit. That is a positive measure.

I consider the measures with respect to persons with disabilities to constitute an extraordinarily positive initiative.

All honourable senators know of my deep concern surrounding the issue of Canadians who are dying and the need for quality care for those individuals. Most of those individuals, at the end of their lives, are disabled, and many of their families will be able to take advantage of this particular tax provision as they go through that difficult time. Clearly, that is a provision in this proposed legislation that speaks to me most eloquently.

With the passage of this bill, the men and women of our Armed Forces who are serving in high-risk areas will not be required to pay income tax on the money they earned while they were in that high-risk area. That is a clear expression of our respect for the service these men and women provide to each and every one of us.

As I read through the bill, I see many positive measures. However, I cannot ignore the legitimate concern that has been raised by some senators in this chamber. The issue, honourable senators, for lack of a better phrase, is called, "tax avoidance." I am a citizen like everyone else. If I can avoid taxes, I will do so. I am a human being. I go through my income tax form — I still

pride myself on doing my own — and I look for any single measure for which I may qualify which may entitle me to an additional deduction. I believe that any normal Canadian would do that.

Then I consider the fact that the government passes tax strategies. Senator Massicotte said that he could find no government statements. I found some. The Canada Revenue Agency, in 1989, at the Pacific Association of Tax Administrators Conference, said clearly that they intend to use the general anti-avoidance rule in situations where there is a blatant use of the treaty provisions and treaty-shopping transactions. They said, in 1995, in the Protocol to the Canada-U.S. Tax Convention that general anti-abuse provisions apply in conjunction with the convention in both the United States and Canada. They talked about it in the tax conference report of 2001, saying that Canada takes the view that it is free to apply its domestic anti-avoidance rules to counter abusive treaty-shopping arrangements. I think the tax department was clear in what they were trying to do in the 1988 budget.

There will be those members, including the honourable senator opposite, who do not agree that they were clear. There will be disagreement amongst us in this chamber.

Honourable senators, for me, the policy initiatives in this particular document outweigh the concern on which there is some disagreement. I will support this bill because I believe it is positive legislation that will benefit the people of Canada.

**Some Hon. Senators:** Hear, hear!

Debate suspended.

[Translation]

## ROYAL ASSENT

**The Hon. the Speaker** *pro tempore* informed the Senate that the following communication had been received:

RIDEAU HALL

May 5, 2005

Mr. Speaker,

I have the honour to inform you that the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 5th day of May, 2005, at 4:03 p.m.

Yours sincerely,

Barbara Uteck  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills Assented to Thursday, May 5, 2005:

An Act to amend the Citizenship Act (*Bill S-2, Chapter 17, 2005*)

An Act to amend the Patent Act (*Bill C-29, Chapter 18, 2005*)

[English]

# BUDGET IMPLEMENTATION BILL, 2004, NO. 2

THIRD READING—MOTION IN AMENDMENT—  
ALLOTMENT OF TIME FOR DEBATE—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Dallaire, for the third reading of Bill C-33, a second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator McCoy that Bill C-33 be not now read a third time but that it be amended:

(a) in clause 52, on page 66, by replacing lines 9 to 15, with the following:

“(4) Subsections (1) to (3) apply with respect to transactions entered into after March 22, 2004.”;

(b) in clause 53, on page 66, by replacing lines 21 and 22, with the following:

“(2) Subsection (1) applies to taxation years and fiscal periods that begin after 2004.”; and

(c) in clause 60, on page 73, by replacing lines 1 to 3, with the following:

“(2) Subsection (1) applies with respect to transactions entered into after March 22, 2004.”.

**Hon. Anne C. Cools:** May I ask the honourable senator a question, since so many of her remarks were directly pointed at me?

**Senator Carstairs:** No. Your Honour, other senators wish to speak, so I would defer.

**Hon. Serge Joyal:** Honourable senators, I do not wish to speak about the reliability of the testimony of Mr. Lalonde or Mr. Tassé. However, the question has been raised by our colleague Senator Smith. To say the least — I will be upfront — I was surprised that Senator Smith raised this question. Senator Smith sat in cabinet with Mr. Lalonde at the same time that I was a minister of the Crown. Mr. Lalonde made

a clear statement on page 930-15 of the transcript of the committee when he testified on May 3. He was quite upfront about the origin of his mandate, as was Mr. Tassé when he testified, and I refer to page 1230-57 of his testimony. I will make a few comments on this because it is a serious issue.

**Senator Cools:** It is very serious.

**Senator Joyal:** I would not like the impression to be created that honourable persons are selling their services and that, if you put enough money on the table, they will defend your cause. This is, to me, a simplistic view of what I call the reputation and professional background of somebody.

I will relate a personal experience with Mr. Trudeau. As many of you know, Mr. Trudeau went to practice law at a major law firm in Montreal. He was there giving advice, and he was open to accept advice. Mr. Trudeau told me clearly that he would not take cases in which he did not believe. In other words, he was not for sale.

I have known Mr. Lalonde since 1971. At that time, I was special assistant to the Honourable Jean Marchand. I worked with him in caucus and I worked under him as a leader of our caucus. I also worked under him in cabinet as a senior minister. I have worked with him over the past 20 years. I have been policy chair of the Liberal Party for the Quebec wing, and I have worked with him in his efforts as co-chair with former Senator Kolber of the Laurier Club. I am now working with him, as he is the chairman of the Liberal organizing committee for the next campaign. Mr. Lalonde is not somebody who has tried to hide his past.

• (1640)

I have been in touch with him for the last 21 years since he left Parliament in 1984. I have followed his professional involvement. He has been an adviser to the Vietnamese government in the drafting of their new constitution. He did so in South Africa. South Africa adopted the federal model and they tried to import as much as possible the multicultural concept that we have in our society, the independence of our Supreme Court, a Charter of Rights and Freedoms and so forth. I will not go on at length.

Mr. Lalonde took those mandates because he strongly believed that the principle at stake in the mandate he was undertaking, either nationally or internationally, was in the prolongation of what he had been fighting for all his life when he was a member of Parliament or a minister of the Crown.

I would like to put that in the record, honourable senators, because I think the honourable senator who has raised the issue that the Senate, as a practice, should not hear lobbyists has a sound starting position. However, when we want to know more about Charter implications, why should we be deaf to Roger Tassé? Roger Tassé was the Deputy Minister of Justice when I co-chaired the special standing committee on the drafting of the Charter of Rights and Freedoms. I worked with him daily at 7 o'clock in the morning before we resumed the sitting at 9 a.m. to review the testimony and what we could expect from the brief we had received and so on.



Again, I have remained in touch with Roger Tassé all those years. As a matter of fact, although I was not expecting to mention that today, when we had the clarity bill — a very difficult, intense issue in this house — I thought that there were some aspects of it that were very difficult to accept as is. I consulted Roger Tassé on the basis of the interpretation of the substance of the BNA Act, the Constitution Act, 1867.

I can testify to the honourable senators that Roger Tassé would not come forward in a special committee of Parliament to testify in the support of one principle interpretation of another principle just because he would be receiving big bucks.

**Senator Smith:** Who suggested that?

**Senator Joyal:** I am not suggesting that; I am expressing my opinion, Senator Smith. I am trying to establish the credibility of the two experts who were heard at the committee while you ask for bona fides, a question that, in fact, had received an answer in the minutes of the committee, if the honourable senator had just taken time to read them. That would have prevented this house from being led to believe that those two witnesses were not credible. That is why I mention that. Believe me, I am very happy to mention that here today.

**Senator Smith:** I never suggested that at all.

**Senator Joyal:** The second point — if Senator Smith feels aggrieved, there are procedures —

**Senator Smith:** I do.

**Senator Joyal:** There are procedures in the rules and you can stand up and raise a point of order.

**Senator Cools:** He should get up and clarify what he said.

**Senator Joyal:** The second point I want to mention here today is that I want to commend the Leader of the Government in the Senate for having supported the committee to hear witnesses. I think it was helpful for the role we have in this chamber. Again, I know it is a difficult issue and I know it is a very politicized issue, and I commend the Leader of the Government in the Senate for having facilitated the hearings of the committee.

It is a very important aspect of our work that when there is a difficult issue, we are not afraid of diving into it, of looking at all aspects of it and coming to a fair and reasonable conclusion. That is what I call sober second thought.

**Senator Cools:** That is right.

**Senator Joyal:** This issue is difficult. It is difficult because, as many of you have said previously, if it was as clear as some would pretend, we would not have to look back 16 years. In fact, I think there are reasonable grounds for a reasonable person to come to a conclusion that is not that reasonable.

I know that honourable senators have been inundated by quotations today, but as a matter of fact, shortly after the coming into force of the tax measures in 1988, the CRA published a

detailed information circular analysing the possible application of the GAAR at that time. They gave 22 separate hypothetical transactions, but none of them related to international treaties or to regulation.

As the Leader of the Government in the Senate will understand, there was a grey zone left. That grey zone was never made clear by a court decision. The Leader of the Government in the Senate is right; Justice Bowman is an expert witness for whom I have the greatest respect. As a matter of fact, I had a friend pleading in front of him less than a month ago and he told me how shrewd Mr. Justice Bowman is. However, I want to remind the Leader of the Government in the Senate that when Mr. Justice Bowman commented on the application of the GAAR to international treaties, he said, "I have not devoted much time to the principles to be followed in interpreting tax treaties."

Even Justice Bowman was qualifying his *obiter* by stating that this is not an issue he has canvassed all around and which he can give us a definite answer on. As the Leader of the Government in the Senate is a lawyer, he will understand this was a side comment on the basis of the decision that the justice made to decide upon the case.

I do not think, if you would get advice from your lawyer friends, that the basis of your position is one on which a justice has said, "I have not devoted much time" to try to study those principles. I do not think you would feel very safe to go and spend money in court.

**Senator Cools:** Absolutely.

**Senator Joyal:** There is in this issue, as Honourable Senator Massicotte has mentioned, an important issue. I would like to commend Senator Massicotte for having raised it, because it is sometimes an issue with which we wrestle in isolation and we are very shy to come forward in front of our colleagues.

There is some kind of sentiment of fear for honourable senators to come forward in this chamber and say, "I feel torn. I feel torn between my party allegiance — because I want to support the position of my party, be it the official opposition, be it the government position — and my duty to the Senate, which is very clear. My Senate duty is enshrined in my oath of office, and my oath of office is to give advice and consent."

To give advice is to stand up and express your views — your advice, what you personally think, not what the Liberal party thinks, not what whoever else thinks. Honourable senators personally are summoned here to give their opinion after having paid due reflection and, in this case, having read some of the material.

On the other hand, honourable senators are a member of a party. As a member of a party, they have an obligation to their party. That obligation is of a particular nature in this chamber. This is a chamber where the government is accountable, but not responsible. There is, honourable senators, a fundamental difference between the two concepts, between the two words. Those words are enshrined in our Constitution.

When we say the government is accountable, it means that the government has to come in the chamber and answer for its decisions, its omissions, its initiatives or its legislation. Once the government has been made accountable, there is a decision to be taken if it will be kept in office or thrown out. That is where the government is kept responsible.

In this chamber, honourable senators try as much as we can to keep the government accountable, that is, to answer on its decisions, on its initiatives, on its programs, on its omissions or on its lack of decision or its wrong decision, sometimes, but we cannot vote down the government. Why? Because in our Constitution, there are two chambers and one chamber cannot say the government should be thrown out and the other say no, the government should stay in.

We would be in a permanent deadlock.

• (1650)

The forefathers wisely thought the government should be responsible for whether it is kept in power or thrown out. Members are elected in the other place. In this place, the government is solely accountable because we are not elected. We are appointed. We are appointed for a period up to age 75. Whatever happens in the other place in the upcoming months, we will not change seats in this place. We will all be here expecting to receive the legislation or the initiatives of future governments, whomever that may be. We are here up to age 75 for a specific reason: to remain independent when we give our advice, so we freely give our advice.

Again, I return to the question that Senator Massicotte raised. Senator Carstairs, Senator Day, Senator Ringuette and many others have pointed out that there are many measures in this bill that we all support and feel represent good, sound policy for the whole of Canada. However, there is one measure that many of us feel, with the greatest respect to those who believe the contrary, raises a fundamental issue enshrined in the rule of law, which is that once a bill is adopted, citizens should know what are their responsibilities and obligations and the tax that he or she has to pay.

What do we do? We are damned if we do not adopt this bill, and we are damned if we vote the bill down.

**The Hon. the Speaker *pro tempore*:** I regret to inform the honourable senator that his time has expired. Does he wish leave to continue?

**Senator Joyal:** Two minutes.

**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Joyal:** Thank you, honourable senators.

Is there a way out of this conundrum? I think that Senator Murray has opened the door. We have seen in this chamber under previous leadership a bill introduced dealing with Aboriginal

people and the non-derogation clause. I want to commend the Leader of the Government in the Senate at the time who introduced the commitment from the minister to come forward with the definition of the non-derogation clause. Our Aboriginal people were very much concerned with the application of that bill. We have since seen the minister come forward with the commitment letter whereby the minister would take it upon himself to introduce further measures to address this particular situation.

This practice is not uncommon in the fiscal or tax field. In the last five and a half years there have been more than 200 instructions from the Department of Finance giving general interpretation to fiscal problems that might be raised in the application of certain tax provisions. I would plead with the Leader of the Government in the Senate to express to the Minister of Finance our deep concern that he give as much consideration as he can to coming forward with instructions or a circular whereby the principles of equity would be maintained in the interpretation of those provisions.

The Honourable Leader of the Government in the Senate is a lawyer. He will understand that the common law always carries with it the notion of equity. When a situation produces something that is contrary to the principle of justice, we take a decision in equity. It is the last argument.

I suggest to the leader that there is an opportunity in the upcoming days for the Minister of Finance and government officials to reflect upon what the Honourable Senator Murray has proposed. Given that so many of those instructions or letters of undertaking have been drafted by the Department of Finance is an indication that this option should be explored so that we can reconcile what the Honourable Senator Massicotte has expressed. We have expressed the reasonable concern of this house and we have sought the benefit of redress that we feel would bring fair and equitable solutions to the problems we have today.

#### ALLOTMENT OF TIME FOR DEBATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I move:

That pursuant to Rule 38, in relation to Bill C-33, a second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004, no later than 3:15 p.m. Tuesday, May 10, 2005, any proceedings before the Senate shall be interrupted and all questions necessary to dispose of third reading of the Bill shall be put forthwith without further debate or amendment, and that any votes on any of those questions be not further deferred; and

That, if a standing vote is requested, the bells to call in the Senators be sounded for fifteen minutes.

**The Hon. the Speaker *pro tempore*:** Honourable senators, this motion is moved under rule 38, which reads as follows:

At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate may state from his or her place in the Senate, that there is an agreement among the



representatives of the parties in the Senate to allot a specified number of days or hours to the proceedings at one or more stages of any item of government business. At the same time, without notice, the said Leader or Deputy Leader may propose a motion setting forth the terms of such agreed allocation and every such motion shall be decided forthwith without debate or amendment.

Is there agreement?

**Hon. Terry Stratton (Deputy Leader of the Opposition):** I would like to give a brief explanation that, in essence, what we are doing is having a form of closure on debate with which we on this side do not agree. We felt quite comfortable that we could have had a fulsome debate on the amendments, have a vote, and then continue with debate on the main motion.

However, the government did not feel comfortable with that proposal. While we have problems with the general anti-avoidance rule portion of the bill, there are other aspects of the bill that are needed. If one goes through the list, as Senator Carstairs has partially done, it explains the need for the bill.

The government should be reprimanded strongly for having brought forth a controversial piece of legislation, but it is typical of this government that they do this with things that are very beneficial to Canadians. We disagree with that practice vehemently. We think it is wrong on principle.

The GARR is a contentious issue. While Senator Carstairs argued about not having registered lobbyists appear before committees, we must be careful when we say that.

**Hon. Anne C. Cools:** There is no such thing.

**Senator Stratton:** That would mean that people who are interested in the environment and belong to organizations would have difficulty appearing before our committees.

• (1700)

Where do you legitimately put a fence around this that would preclude only the people we deem to be lobbyists? Then we would get into the definition of lobbyist. We should be free and open. As long as that lobbyist fully explains who he is working for, the fact that he is being paid and that his position will be a certain position, I see nothing wrong with that. If declaration is made then you should be able to proceed, particularly with a man like Marc Lalonde who had a strong background in government.

Our side has reluctantly agreed to this simply on the basis that we can only achieve so much as we proceed down the road with this bill. If we look at the numbers today in this chamber, they simply are not there to allow for a defeat of the bill or to make amendments to this bill that will carry.

There is a point of principle to be made on the GAAR, which is that people in this chamber have spoken out against the GAAR for a particular reason. They gave strong, cogent reasons for doing so. I sat through those Finance Committee meetings and even the representatives from the Department of Finance could

not convince us with a straight face — I thought, at any rate — that really what they were doing had a real basis in fact. I believe it was something they just simply could not properly explain to anyone who sat in and listened to the evidence presented.

As far as this side is concerned, we will reluctantly go along with this motion based on those arguments. We will see what happens on Tuesday. I do not think there is an issue here that we should really weigh the balance of whether this bill should pass or not. We could attempt to delay the bill because the government is in very serious danger of falling. There was a motion put forward today that was ruled out of order. Had that motion been ruled to be in order, there would have been a vote in the other place on Monday or Tuesday. For that reason, we must weigh the balance of whether this bill is worth delaying until the government falls, and if it does, then what service have we done to Canadians if this bill then does not pass?

We must weigh the good parts of this bill, and there are some good parts that our side would support. We may quite strongly disagree with the GAAR. We simply do not agree with the arguments that have been placed before us. We have to weigh that balance. As Senator Joyal, Senator Massicotte and others have said, we have our parties and then we have Canadians.

With that I will sit down and our side will reluctantly go along with this motion.

**Hon. Lowell Murray:** Honourable senators, the motion presented by Senator Rompkey, I suspect, is not debatable. Perhaps I might be permitted, with your indulgence, to ask a question of the Deputy Leader of the Government.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Fernand Robichaud:** The motion is not debatable.

**The Hon. the Speaker *pro tempore*:** It is not a debatable motion.

**Senator Murray:** I wanted to ask the Deputy Leader of the Government, first, whether the time of 3:15 is cast in stone. I am aware that there were two or three other senators who want to take part in the debate. No one has authorized me to speak on their behalf and I will not, but it occurred to me that if the vote is scheduled later in the afternoon, say for 4 p.m. or 5 p.m., there might be an opportunity for one or more of them to take part.

Second, honourable senators know what I think about 15-minute bells. We have been through this before. I will simply say that if my amendments have to be voted upon, I will be seeking a standing vote at whatever time is agreed. I say that so no one will be caught short by a standing vote.

**Senator Rompkey:** I simply underline one of the points that Senator Stratton made in his remarks. One of the underlying concerns is what is happening in the other place. If we are to get the bill through and it receives Royal Assent, we have to have Royal Assent while the House of Commons is sitting. To be sure of getting the bill passed and having Royal Assent, we thought it would be better to err on the side of caution, set Royal Assent for Tuesday and get the whole thing completed.

That was what informed our discussions this morning, and that is the procedure I think we should follow. I concur wholeheartedly with Senator Stratton. There are a lot of good measures in this bill that will not be able to come into effect. Senator Austin listed them in his speech and Senator Carstairs and others listed them. Therefore, we have to make sure the bill does not fail. In order to do that we have to pass it expeditiously, while the House of Commons is still sitting. That is why we took the decision we did and I think we should stand by it.

**Senator Cools:** This is such an unusual measure. Senator Rompkey should provide more explanation because it seems to me that on the strength of these half dozen Conservatives sitting here, there is no danger that the bill will be delayed or lost. If the honourable senators are worried about opposition from their own benches, their own government senators, then they should be open with us all. The way our proceedings have been moving ahead today, it appeared the house was coming to the logical conclusion of at least a voice vote on the amendments. That is my first point. The Deputy Leader of the Government should be open with the house because there is no danger that these one, two, three, four Conservatives here could do much to delay anything today.

Is it possible that the time of 3:15 for the vote could be moved forward to at least 4:15? A few senators may want to speak. Senator Rompkey must provide this explanation because the government controls the whole agenda. The government controlled the agenda when this bill reached this chamber.

**The Hon. the Speaker pro tempore:** Unless leave is granted, I believe the senator is debating.

Does Senator Rompkey or Senator Austin wish to respond?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the reason for the motion is to provide time for me to respond to the request of Senator Joyal and other senators. I am not sure how I will respond or with what, but at least it provides that time. Once this motion is passed, we can continue the debate now. However, I would make an offer to the opposition side that if they wish to forego Question Period on Tuesday that would provide further time for debate on Bill C-33.

**An Hon. Senator:** Question!

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Senator Cools:** On division.

**The Hon. the Speaker pro tempore:** On division.

Motion agreed to, on division.

**Senator Robichaud:** Question!

**The Hon. the Speaker pro tempore:** Are honourable senators ready for the question on Senator Murray's amendment?

**Senator Stratton:** Go right ahead. Let us get this done.

• (1710)

**Senator Murray:** Honourable senators, I rise on a point of order. We have just passed a motion stating that all questions are to be put no later than 3:15 on Tuesday.

**An Hon. Senator:** No later than.

**Senator Murray:** Yes, you have me there. There is still —

**Senator Austin:** I move the adjournment of the debate if there are no other speakers on this bill at this time. If there is another speaker, we will listen.

**Senator Stratton:** Are we certain that no other senator wishes to speak to the main motion on the bill itself?

**Senator Cools:** I do.

**The Hon. the Speaker pro tempore:** Senator Austin, do you have a motion to adjourn?

**Senator Austin:** I move the adjournment of this debate.

**The Hon. the Speaker pro tempore:** It is moved by the Honourable Senator Austin, seconded by the Honourable Senator Rompkey, that further debate be adjourned until the next sitting of the Senate.

**Senator Cools:** I rise on a point of order.

**The Hon. the Speaker pro tempore:** Senator Cools on a point of order.

**Senator Cools:** Senator Austin is not capable of moving the adjournment because he has already spoken on this today.

**Senator Robichaud:** I move the adjournment of the debate.

**Senator Austin:** You are not the Speaker, Senator Cools. Let the Speaker run the chamber.

**The Hon. the Speaker pro tempore:** Senator Robichaud.

[Translation]

**Senator Robichaud:** Honourable senators, I move that further debate on the motion be adjourned until the next sitting.

On motion of Senator Robichaud, debate adjourned.



[English]

## CANADA TRANSPORTATION ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the second reading of Bill S-6, to amend the Canada Transportation Act (running rights for carriage of grain).—(*Honourable Senator Kinsella*)

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, Senator Kinsella was prepared to speak to this bill today but is unavoidably away. I wish to adjourn the debate in his name so that he may speak next week.

**Hon. Senators:** Agreed.

On motion of Senator Stratton, for Senator Kinsella, debate adjourned.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees), presented in the Senate on April 21, 2005.—(*Honourable Senator Furey*)

**Hon. Marie-P. Poulin,** for Senator Furey, moved the adoption of the report.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

## STATE OF POST-SECONDARY EDUCATION

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the state of post-secondary education in Canada.—(*Honourable Senator Moore*)

**Hon. Terry M. Mercer:** Honourable senators, it is fitting that I rise today to speak on Senator Callbeck's inquiry on post-secondary education as, just this past Monday evening, I

spoke to the National Student Commonwealth Forum's opening debate on this very topic. I was encouraged by the participation of this group of high school students who came together to explore issues and policies.

I spoke to these students about youth leadership, emphasizing education as their gateway to a prosperous future. As parliamentarians, we cannot ignore the simple truth that youth are the future of Canada. They are the leaders of tomorrow. Our community colleges, universities and technical institutions are the breeding grounds for independent thought and the development of future leadership.

Honourable senators, it is not without irony that discussions surrounding education at all levels are a major concern for youth as they begin to become involved in politics and policy discussion. It should be a major concern for all Canadians, regardless of age. These high school students are starting to worry about how they will afford the next phase of their education, and rightly so. They have to worry about their futures, their careers and their ability to pay back their student loan debt, and so must we. We must share their concerns. Too often, we, as a society, live in the moment and forget to think about the future.

Honourable senators, one of the most important assets for the betterment of society is a highly sophisticated and relevant education system. Education is the solution to a multitude of problems, from health care, to poverty, to international development.

How can we improve our society? I will concentrate on two areas that I think are important: funding and the administration of the system.

Currently, post-secondary education is funded out of the larger Canada Social Transfer from the federal government to the provinces. We all know that the provincial governments have responsibility for the administration of education. However, the federal government is starting to play a larger role. In fact, it must.

Funding under the Canada Social Transfer is increasing, but all levels of government and all citizens need to realize that increasing funding is not the only solution.

• (1720)

A proposal to separate education funding from the broad social transfer has arisen through various student organizations, including the Canadian Federation of Students and the Canadian Alliance of Student Associations.

Prior to Christmas, I had the honour to chair a policy development committee of the Atlantic caucus of our government to explore policy in a variety of areas, including education. The Young Liberals of Canada also studied this issue in detail separately.

As a result of cooperation between the youth, members of Parliament, senators and student organizations, an excellent policy proposal was passed at the recent biennial convention of the Liberal Party of Canada that I believe will go a long way to secure a financially available education system in this country, a separate Canadian education transfer to all provinces.

I believe we all must explore the idea further to bring it to reality. However, funding is not the only problem, and increasing the funds necessary is not the only solution. Multi-faceted approaches need to be explored to address the issue of the current student debt as well. No one should be prevented from furthering their education because of their financial state. This is simply not acceptable, and I believe, not the Canadian way.

Too often, too many of our students face high levels of debt when completing university. Many programs are available to students, including the Canada Student Loans Program and the Millennium Scholarship Fund to reduce the amount of loans required.

How can we further reduce the burden of high loan debt for students? It may be, perhaps, through tax incentives, loan forgiveness or increased grants.

Would it be possible to make the whole payment of student loans tax deductible? Could we, as the Government of Canada, afford that? Could the provinces? A better question is whether we can afford not to. These are the questions we need to ask ourselves.

Honourable senators, in order to be successful, Canada must ensure that education becomes one of our most important priorities. While we all know that health care is number one on everyone's list, we must recognize that every major policy area is interconnected with a sound and available education system.

It is also very important to recognize that university is not for everyone. We must acknowledge that community colleges, trades and skills training, and other alternate forms of education are vital parts of the education infrastructure in this country. We must ensure that funding is fair and equal across all of these forums.

As someone who has worked a long time in the not-for-profit sector, it is easy for me to recognize that a poor education can result in poor health and poor lifestyle choices. Healthy, well-educated Canadians will show the world that Canada is a leader. All government programs should work in concert to foster this healthy well-educated state. We need to work harder to harmonize our priorities and our ideas. We need to challenge ourselves, our governments, and, indeed, all Canadians.

We need to make people realize that educating our citizens is at the heart of a prosperous future, as this will be the major fight of the 21st century. A knowledge-based society requires a sound education system. The economy demands it. We should demand it, and I solicit your support for the motion of Senator Callbeck.

On motion of Senator Rompkey, debate adjourned.

## FOREIGN AFFAIRS

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Peter A. Stollery**, pursuant to notice of May 3, 2005, moved:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:30 p.m. on Wednesday, May 11, 2005, even though the Senate may be then sitting, and that rule 95(4) be suspended in relation thereto.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** If I may, I would like to ask Senator Stollery the reason for his motion because we are rising at 4 o'clock, as is our normal fashion, and he wishes to begin the hearing at 3:30. Perhaps it is a minister, hopefully?

**Senator Stollery:** Thank you very much, honourable senators. Yes, we have Minister Carroll, and this is the time that she can come and that is the reason for the request.

**The Hon. the Speaker pro tempore:** Do we have agreement, senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker pro tempore:** Is the house is ready for the question?

**An Hon. Senator:** Question!

**The Hon. the Speaker pro tempore:** Honourable senators, is it your pleasure to adopt the motion?

Motion agreed to.

## ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 10, 2005, at 2 p.m.

**The Hon. the Speaker pro tempore:** Is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 10, 2005, at 2 p.m.



# THE SENATE OF CANADA PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, May 5, 2005

(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

## GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0	05/04/20		

## GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-3	Bill, C-3, An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21	05/04/14	Transport and Communications					
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance	05/04/14	0	05/04/19	05/04/21*	15/05
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology	05/04/12	2	05/04/14		
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce	05/04/12	2	05/04/14	05/05/05*	18/05
C-30	An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts	05/04/13	05/04/14	National Finance	05/04/21	0	05/04/21	05/04/21*	16/05
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07	05/04/20	National Finance	05/05/03	0			
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 2, 2004-2005</i> )	04/12/13	04/12/14	-	-	-	04/12/15	04/12/15	27/04



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 3, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 4, 2004-2005</i> )	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 ( <i>Appropriation Act No. 1, 2005-2006</i> )	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02	05/05/05*	17/05
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs	05/04/12	2 observations			
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23							
S-29	An Act respecting a National Blood Donor Week (Sen. Mercer)	05/05/05							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10	05/03/23	Banking, Trade and Commerce	05/05/05	0 observations			
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17	05/04/19	Legal and Constitutional Affairs					

# CONTENTS

Thursday, May 5, 2005

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>			
<b>Victory in Europe Day</b>		<b>Citizenship and Immigration</b>	
Sixtieth Anniversary.		Human Smuggling.	
Hon. Jack Austin . . . . .	1158	Hon. A. Raynell Andreychuk . . . . .	1165
Hon. Noël A. Kinsella . . . . .	1158	Hon. Jack Austin . . . . .	1165
Hon. Joseph A. Day . . . . .	1159	Hon. Anne C. Cools . . . . .	1166
Hon. Terry Stratton . . . . .	1159		
Hon. Roméo Antonius Dallaire . . . . .	1160	<b>Transport</b>	
Hon. Gerald J. Comeau . . . . .	1160	Airline Industry—Screening of Passengers Against United States	
Hon. Tommy Banks . . . . .	1161	Government Watch List of Terrorists.	
Hon. W. David Angus . . . . .	1161	Hon. Pat Carney . . . . .	1166
Hon. Terry M. Mercer . . . . .	1162	Hon. Jack Austin . . . . .	1166
Hon. Lucie Pépin . . . . .	1162		
Hon. A. Raynell Andreychuk . . . . .	1162	<b>Citizenship and Immigration</b>	
		Citizenship Status of Spouses and Children of Veterans	
		Who Married Overseas.	
		Hon. Pierrette Ringuette . . . . .	1167
		Hon. Jack Austin . . . . .	1167
		<b>Business of the Senate</b>	
		Hon. Jack Austin . . . . .	1167
		<b>Delayed Answers to Oral Questions</b>	
		Hon. Bill Rompkey . . . . .	1167
		<b>Royal Canadian Mounted Police</b>	
		Reinstatement of Constable Robert Read.	
		Question by Senator LeBreton.	
		Hon. Bill Rompkey (Delayed Answer) . . . . .	1167
		<b>The Environment</b>	
		Newfoundland and Labrador—Reliability of Weather Forecasting	
		and Storm Tracking.	
		Question by Senator Cochrane.	
		Hon. Bill Rompkey (Delayed Answer) . . . . .	1167
		<b>Citizenship Act (Bill S-2)</b>	
		Bill to Amend—Message from Commons.	
		The Hon. the Speaker . . . . .	1169
		<b>Patent Act (Bill C-29)</b>	
		Bill to Amend—Message from Commons—	
		Senate Amendments Concurred In.	
		The Hon. the Speaker . . . . .	1169
<hr/>			
<b>ROUTINE PROCEEDINGS</b>			
<b>Study on Issues Affecting Urban Aboriginal Youth</b>			
Report of Aboriginal Peoples Committee—Government Response			
Referred to Committee.			
Hon. Bill Rompkey . . . . .	1163		
<b>Internal Economy, Budgets and Administration</b>			
Twelfth Report of Committee Presented.			
Hon. George J. Furey . . . . .	1163		
<b>Scrutiny of Regulations</b>			
Second Report of Joint Committee Presented.			
Hon. John G. Bryden . . . . .	1163		
<b>General Synod of the Anglican Church of Canada</b>			
Private Bill to Amend Act of Incorporation—			
Report of Committee.			
Hon. Jeremiah S. Grafstein . . . . .	1164		
<b>National Blood Donor Week Bill (Bill S-29)</b>			
First Reading.			
Hon. Terry M. Mercer . . . . .	1164		
<b>Banking, Trade and Commerce</b>			
Notice of Motion to Authorize Committee to Meet During			
Sitting of the Senate.			
Hon. Jeremiah S. Grafstein . . . . .	1164		
<b>World Health Organization</b>			
Notice of Motion in Support of Government of Taiwan Request			
for Observer Status.			
Hon. Consiglio Di Nino . . . . .	1164		
<hr/>			
<b>QUESTION PERIOD</b>			
<b>Natural Resources</b>			
Nova Scotia and Newfoundland and Labrador—Splitting of			
Revenue-Sharing Agreement on Offshore Oil Revenues			
from Budget Implementation Bill.			
Hon. Ethel Cochrane . . . . .	1164		
Hon. Jack Austin . . . . .	1165		
		<b>Citizenship and Immigration</b>	
		Human Smuggling.	
		Hon. A. Raynell Andreychuk . . . . .	1165
		Hon. Jack Austin . . . . .	1165
		Hon. Anne C. Cools . . . . .	1166
		<b>Transport</b>	
		Airline Industry—Screening of Passengers Against United States	
		Government Watch List of Terrorists.	
		Hon. Pat Carney . . . . .	1166
		Hon. Jack Austin . . . . .	1166
		<b>Citizenship and Immigration</b>	
		Citizenship Status of Spouses and Children of Veterans	
		Who Married Overseas.	
		Hon. Pierrette Ringuette . . . . .	1167
		Hon. Jack Austin . . . . .	1167
		<b>Business of the Senate</b>	
		Hon. Jack Austin . . . . .	1167
		<b>Delayed Answers to Oral Questions</b>	
		Hon. Bill Rompkey . . . . .	1167
		<b>Royal Canadian Mounted Police</b>	
		Reinstatement of Constable Robert Read.	
		Question by Senator LeBreton.	
		Hon. Bill Rompkey (Delayed Answer) . . . . .	1167
		<b>The Environment</b>	
		Newfoundland and Labrador—Reliability of Weather Forecasting	
		and Storm Tracking.	
		Question by Senator Cochrane.	
		Hon. Bill Rompkey (Delayed Answer) . . . . .	1167
		<b>Citizenship Act (Bill S-2)</b>	
		Bill to Amend—Message from Commons.	
		The Hon. the Speaker . . . . .	1169
		<b>Patent Act (Bill C-29)</b>	
		Bill to Amend—Message from Commons—	
		Senate Amendments Concurred In.	
		The Hon. the Speaker . . . . .	1169
		<hr/>	
		<b>ORDERS OF THE DAY</b>	
		<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
		Third Reading—Motion in Amendment—Debate Suspended.	
		Hon. Donald H. Oliver . . . . .	1169
		Hon. David P. Smith . . . . .	1172
		Motion in Amendment.	
		Hon. Lowell Murray . . . . .	1172
		Hon. Bill Rompkey . . . . .	1174
		Hon. Jack Austin . . . . .	1175
		Hon. Paul J. Massicotte . . . . .	1177
		Hon. Anne C. Cools . . . . .	1178
		Hon. Pierrette Ringuette . . . . .	1180
		Hon. Sharon Carstairs . . . . .	1181
		<b>Royal Assent</b> . . . . .	1182
		<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
		Third Reading—Motion in Amendment	
		Allotment of Time for Debate—Debate Continued.	
		Hon. Anne C. Cools . . . . .	1183
		Hon. Sharon Carstairs . . . . .	1183
		Hon. Serge Joyal . . . . .	1183



	PAGE		PAGE
Allotment of Time for Debate.		<b>State of Post-Secondary Education</b>	
Hon. Bill Rompkey . . . . .	1185	Inquiry—Debate Continued.	
Hon. Terry Stratton . . . . .	1186	Hon. Terry M. Mercer . . . . .	1188
Hon. Anne C. Cools . . . . .	1186	<b>Foreign Affairs</b>	
Hon. Lowell Murray . . . . .	1186	Committee Authorized to Meet During Sitting of the Senate.	
Hon. Fernand Robichaud . . . . .	1186	Hon. Peter A. Stollery . . . . .	1189
Hon. Jack Austin . . . . .	1187	Hon. Terry Stratton . . . . .	1189
<b>Canada Transportation Act (Bill S-6)</b>		<b>Adjournment</b>	
Bill to Amend—Second Reading—Debate Continued.		Hon. Bill Rompkey . . . . .	1189
Hon. Terry Stratton . . . . .	1188	<b>Progress of Legislation . . . . .</b>	<b>i</b>
<b>Internal Economy, Budgets and Administration</b>			
Ninth Report of Committee Adopted.			
Hon. Marie-P. Poulin . . . . .	1188		







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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, May 10, 2005**

—

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, May 10, 2005

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

### SENATORS' STATEMENTS

#### HOLOCAUST MEMORIAL DAY

**Hon. Jeremiah S. Grafstein:** Honourable senators, May 5 was Holocaust Memorial Day in Canada. Honourable senators will recall the turbulent debate that occupied this house last year, leading to the passage of Bill C-459. In the result, I co-authored a book with Richard Marceau, MP, a co-sponsor of the bill, entitled *The Passage Through Parliament to Establish Holocaust Memorial Day in Canada* to document the debate for students of the parliamentary process.

Honourable senators, what are we to do when we witness the rising tide of anti-Semitism in Canada 60 years after the Holocaust scorched its horrible lesson on public opinion forever? Or so we thought.

Just two weeks ago, at a prestigious secondary school in the heart of Toronto, students expropriated morbid scenes from the Holocaust to distribute obscene messages of hate on their Internet site. Horrified female students at a sister school responded, urging them to desist. In turn, these female students were threatened and vilified for their objections via the Internet. The offending students were quickly expelled.

It now appears, however, that this activity had been going on for some months. Why? Why? Why? Why in Toronto in the year 2005? Why in the heart of middle class Toronto? Why in the tolerant city of Toronto? What went wrong? Have we failed to learn the lessons of the Holocaust? Have we failed to learn the lessons of history? Was this just a prank of youth revolting against the "taboo" of the Holocaust, as one journalist observed, or have we, as parents, teachers, educators, community and political leaders, failed our children?

Celebrants of Passover are admonished to consider that ancient flight for freedom and equality as if each one of us personally experienced that event. We are taught that we must remember that fight for freedom and equality as if it were a struggle to be personally experienced anew by each generation, and so it is.

Elie Wiesel, the sombre witness of the "Shoah," last year at a conference on anti-Semitism convened in Berlin attended by parliamentarians from 55 countries, argued that the Holocaust would not be repeated if young children were taught to love rather than to hate, to respect rather than denigrate "the other."

The proclamation "Never Again" is hollow. It is certainly hollow in my ears and that of our generation if each school at every level of education from primary to post-secondary are not taught the simple but complex lesson that to hate "the other" is

contrary to the Charter and contrary to the essence of Canadianism. When hate is inflated, freedom of religion and equality of rights under the Charter of Rights are diluted.

Regretfully, when we fail to integrate this lesson of mutual respect into our educational systems, in our civic society, in our homes, hate of "the other" still resonates as an acceptable part of the private lexicon of Canada.

Could political leaders do more? The Senate Committee on Human Rights could complete its study of the egregious roots of hate buried within the Canadian psyche and consider how to excise discrimination and irrational hate from the body politic.

**The Hon. the Speaker *pro tempore*:** Honourable Senator Grafstein, I regret to advise that your time has expired.

### CANADA-UNITED STATES RELATIONS

#### NORTH DAKOTA—DEVIL'S LAKE DIVERSION

**Hon. Janis G. Johnson:** Honourable senators, allow me to apprise you of the situation with regard to the Devil's Lake diversion. As you know, the state of North Dakota is planning to dump excess water from Devil's Lake into the Sheyenne River, which flows into the Red River and Lake Winnipeg. The U.S. Environmental Protection Agency has identified harmful parasites that live in Devil's Lake, and the water is highly saline. Devil's Lake has been separated from the Lake Winnipeg basin for thousands of years, and there is no telling how great an impact linking them will have.

Lake Winnipeg is an important cultural and economic landmark in Manitoba and is already in trouble. Hydro regulation of the lake has contributed to flooding and shoreline erosion. Nutrient loading from sewage runoff is creating enormous blooms of algae in the summertime, robbing the lake of oxygen and threatening its fish species. We do not need these extra stressors on the lake, particularly when it is virtually impossible to remove invasive species once they have become established, a lesson we have learned in spades from the Great Lakes.

A wide group of politicians and environmentalists on both sides of the border have been working energetically to stop this project until it gets a proper environmental review. Since the Devil's Lake project involves the transfer of water from one country to the other, the dispute clearly comes under the Boundary Waters Treaty of 1909 and should therefore be settled by the International Joint Commission.

Prime Minister Martin has raised the issue several times with President Bush and has asked that the matter be referred to the IJC. The President has only agreed to consider the matter. Treasury Board President Reg Alcock met with the State of North Dakota's two democratic senators last week, and they listened to his argument but are not willing to delay the project.

Earlier this week, Premier Doer met with the Wisconsin Governor, Jim Doyle, to brief him on his concerns about the project and seek the same level of support that the State of Minnesota has offered. Premier Doer's government is part of a growing international coalition that includes the governments of Ontario, Quebec, Canada, Minnesota, the Great Lakes Commission, the Assembly of First Nations and environmental groups on both sides of the border.

The IJC cannot adjudicate matters unless both parties agree to participate. North Dakota has refused to send the dispute to the IJC, so the matter has moved up to the desk of Secretary of State Condoleezza Rice. Her decision will likely be announced in the next several weeks.

Throughout this dispute, coalition members have insisted that they are sympathetic to the plight of North Dakotans who have been affected by flooding, but there is no threat of flooding in the area this year, so there is enough time for the IJC to review the project's risks and explore the alternatives.

Aside from the environmental risk posed by this project, we are also concerned that unilateral action by North Dakota sets a dangerous precedent for future relations between our two countries. In coming years, water will be an even more important resource, and it is crucial that we move forward with respect to the treaty that has served both our countries so well for almost a century. Manitoba has made a commitment to abide by the decision of the IJC, whatever that may be.

**The Hon. the Speaker pro tempore:** Honourable Senator Johnson, I regret to advise that your time has expired.

• (1410)

## REBUILDING OF SOUTHEAST ASIA AFTER TSUNAMI

**Hon. Lorna Milne:** Honourable senators, I rise to complete my remarks about Canada's aid to the victims of the tsunami in Southeast Asia. I wish there was a way to tell all Canadians what their generous donations of money are doing to help in Aceh. It is important that we realize results will not be seen immediately. Houses cannot be rebuilt when there are no materials with which to build them; no roads, ships or docks to transport the materials; and no builders to do the construction. All are gone. Children will not be able to go to school for a long time because over 4,500 schools have been destroyed, as well as their many teachers lost. Hospitals have to be built anew, staffed and supplied. Local opinions must be both sought out and respected in how this is to happen.

Thousands of Canadians, from children to seniors groups, raised so much money to give aid to the surviving victims of the tsunami. We came together with open hearts and hands like no other time in our recent history. I hope that all Canadians realize how massive the rebuilding effort will be and how long it will take. The international aid organizations that have received this money will not be able to use all of it immediately, and should not use it immediately. The rebuilding will take a long time if it is to be properly planned and done, now that the immediate needs are being met.

The elements of a civil society and local governance must also be rebuilt. CIDA's effort will help as they take a long-term approach to the problem. Canada will be there to support all stages of reconstruction as we have been for the last 50 years. However, we must be patient. It will be years before Aceh can support itself in harmony and dignity. Not only have the physical structures been swept away but also the people who plan, build and operate those structures are gone — dead and swept away from the land by those horrendous walls of water like chaff in the wind. Honourable senators, weep for the victims; weep for Indonesia.

## RACIAL DISCRIMINATION

### QUEBEC HUMAN RIGHTS TRIBUNAL— CENTRE MARAÎCHER EUGÈNE GUINOIS

**Hon. Donald H. Oliver:** Honourable senators, I rise to call the attention of honourable senators to what *The Globe and Mail* has called, "one of the worst cases of outright discrimination in recent history." The article concerns the Centre Maraîcher Eugène Guinois, one of Canada's largest commercial vegetable farms, located about 40 minutes southwest of Montreal. Between 2000 and 2001, the farm employed hundreds of black workers to pick and process vegetables. The workers were bussed to and from the farm as day labourers, particularly during harvest time. According to the final report of the Quebec Human Rights Tribunal, the black labourers suffered from "some of the worst racial discrimination in Quebec's history."

In her 32-page report, Judge Michèle Pauzé said that she was "stunned, even scandalized by what happened at Centre Maraîcher Eugène Guinois." She prefaced her decision with the phrase, "The events you are about to read happened here, in Quebec, during the years 2000 and 2001."

During the tribunal's hearings into the case, four workers testified to conditions on the Quebec vegetable farm that "wouldn't seem out of place in the segregation era of the United States." According to a copy of the court transcript obtained by *The Globe and Mail*, one of the victims, Celissa Michel, testified that he and "roughly 100 others were ordered to use the blacks-only cafeteria that lacked heat, running water, proper toilets, refrigeration and many other amenities." He further added, "the black workers were verbally and physically abused on several occasions, and were targets of graffiti that read: 'here are our monkeys' and 'blacks are pigs.'" One witness, Ronald Champagne, said that when he tried to sit at the picnic tables near the cafeteria, Denise Guinois, wife of the farm's owner, told him that the tables were for Quebecers only, and directed him to the tables near the toilets. According to the judge's ruling, the "blacks-only cafeteria did not have a sink, soap or even running water, but it did have several hoses outside that the workers could use." The workers said that they stayed at the farm because they could not find work elsewhere.

Honourable senators, this is a sad day in our country's quest for equality.



## YUKON

## CONTRIBUTION TO WORLD WAR II

**Hon. Ione Christensen:** Honourable senators, today the Yukon often seems far away but in 1939, when the Second World War was declared, it truly was another world. It took a minimum of 10 days to travel to Vancouver, the only Canadian city with a commercial connection. There were no recruitment centres and with a small population of 2,500, every able-bodied man was expected to stay in the north to work in the mines, on the trap-lines or at the trading posts.

During the First World War, Jo Boyle put together his machine gun troop and George Black recruited more than 200 men from Dawson City to go overseas. With similar determination, from 1940-45, young Yukoners, as they reached the age of enlistment, packed a duffle bag and headed to Vancouver to sign up. Three sons of the Van Bibber family, Dan, Archie and Alex, who lived up the Pelly River, had to go to great lengths to enlist, first floating down the Pelly River by raft, then up the Yukon by steamer to Whitehorse and on to Vancouver. Charlie Isaac, from Dawson, joined in 1939 and served until 1945. His medals included the 39-45 Star; Italy Star; France and Germany Star; Defense Medal and Volunteer Service Medal and Clasp.

Jimmy Profeit, at only 16 years of age, left Mayo and became a dispatch rider in Africa and in Italy — a hazardous assignment. Staff Sergeant James Ballentine joined in 1941 and that November went to Italy. He was with the Royal Canadian Engineers and was awarded the British Empire Medal for leading the construction of the Birmingham Assault Bridge. Later, in Normandy as they pushed on to Holland, he contracted diphtheria and spent the last months of the war in an English hospital before being sent home in the summer of 1945.

Honourable senators, the list goes on: Ralph Zaccarelli, John Gould, Roy Butterworth, Jimmy Drugan, Wes Buyck, Percy Dewolfe, Helmer Samuelson, Kip Fisher, Lomer Cyr, Lawrence Seely, Pete Sidney, John Adamson and so many more young Yukoners, leaving the Yukon for the first time, for many, and travelling thousands of miles to serve their country.

I was six years old when war was declared and we were living in the small settlement of Fort Selkirk. We had an old radio powered by a large wet-cell battery and I vividly remember hearing the news from London, with Big Ben chiming in the background. We knitted wool socks, gloves and scarves to make up care packages. We collected scrap iron and bought war savings stamps. Each night, we listened to that radio to try to follow the battles where our Yukon boys might be fighting.

That was 60 years ago — six decades — and yet, in each one of those decades, there has been a need for young soldiers to risk their lives to bring peace to some part of the world — a peace that, when all the fighting is done, is accomplished through negotiations and treaties. With the recent opening of our wonderful new War Museum, let us hope that it inspires us to learn from history.

## SOVIET OCCUPATION OF EUROPEAN COUNTRIES

**Hon. A. Raynell Andreychuk:** Honourable senators, we have all joined in observing the sixtieth anniversary of the defeat of the Nazi tyranny. We also remember with pride the accomplishments

of Canadians who made the ultimate sacrifice, those who came home as veterans, and the families and friends for their personal and collective sacrifices. The Nazi tyranny, which brought with it the horrors of the Holocaust, was defeated, and a significant part of Europe received its freedom.

However, we must remember that the end of the Nazi tyranny also marked the beginning of one-half century of occupying Soviet communist terror for millions who lost their freedom as the Iron Curtain descended across Europe. Hundreds of thousands were systematically murdered or sent to almost certain death in Siberian concentration camps. Others were tortured. Millions lost their freedom. Indeed, the Baltic nations of Estonia, Latvia and Lithuania suffered de facto annexation. Millions of others were systematically deported to other regions of the Soviet Union, losing their identity and culture. Only recently are they recovering from this tyranny. As we mark the anniversary of VE-Day, let us not forget the millions for whom freedom will remain a dream for another half century.

[Translation]

## ROUTINE PROCEEDINGS

## TREATIES ENTERED INTO FORCE IN 2002, 2003 AND 2004

TABLED

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, a document entitled "Treaties entered into force for Canada in the years 2002, 2003 and 2004."

• (1420)

## LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET AND AUTHORITY TO ENGAGE  
SERVICES—STUDY ON INCLUDING IN LEGISLATION  
NON-DEROGATION CLAUSES RELATING TO  
ABORIGINAL TREATY RIGHTS

**Hon. Lise Bacon,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, May 10, 2005

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

## SEVENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004 to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing aboriginal and treaty rights on the aboriginal peoples of Canada under s.35 of the

*Constitutional Act, 1982*, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LISE BACON  
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 876.)

**The Hon. the Speaker pro tempore:** Honourable senators, when will this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORITY TO ENGAGE SERVICES—  
STUDY ON BILINGUAL STATUS  
OF CITY OF OTTAWA

**Hon. Lise Bacon**, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, May 10, 2005

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on Thursday, December 2, 2004 to examine and report on the study on declaring Ottawa to be a bilingual city, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LISE BACON  
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 881.)

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on Orders of the Day for consideration at the next sitting of the Senate.

[English]

STUDY ON LEGAL ISSUES AFFECTING ON-RESERVE  
MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF  
MARRIAGE OR COMMON LAW RELATIONSHIP

INTERIM REPORT OF THE STANDING SENATE  
COMMITTEE ON HUMAN RIGHTS TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the seventeenth report of the Standing Senate Committee on Human Rights, an interim report which deals with serious concerns relating to the issue of on-reserve matrimonial real property.

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

CANADIAN FORCES MEMBERS AND VETERANS  
RE-ESTABLISHMENT AND COMPENSATION BILL

FIRST READING

**The Hon. the Speaker pro tempore** informed the Senate that a message had been received from the House of Commons with Bill C-45, to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts.

Bill read first time.

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the second time?

[Translation]

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, with leave of the Senate, at the next sitting of the Senate.

[English]

**The Hon. the Speaker pro tempore:** Is leave granted?

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, on behalf of Her Majesty's opposition in the Senate, my Conservative colleagues, and given that in the last few days Canadians and others around the world have marked the sixtieth anniversary of VE-Day and the tribute that all Canadians wish to express to our heroic veterans, I suggest that the house agree that second reading on this important bill affecting veterans can commence later this day.

[Translation]

**Senator Robichaud:** Honourable senators, Senator Dallaire is the sponsor of this bill. He should be here in a few minutes. He will then be able to speak at second reading. We are prepared to proceed in this manner.



[English]

**The Hon. the Speaker pro tempore:** Is leave granted to commence second reading later this day?

**Hon. Senators:** Agreed.

**Hon. John Lynch-Staunton:** Honourable senators, I am all in favour of the procedure as long as we do not move too hastily. Perhaps all senators could have a copy of the bill before we begin second reading later this day.

**The Hon. the Speaker pro tempore:** We will make photocopies.

Motion agreed to and bill placed on the Orders of the Day for second reading later this day.

[Translation]

## BANKRUPTCY AND INSOLVENCY ACT

### BILL TO AMEND—FIRST READING

**Hon. Michel Biron** presented Bill S-30, to amend the Bankruptcy and Insolvency Act (RRSP and RESP).

Bill read first time.

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Biron, bill placed on the Orders of the Day for second reading two days hence.

[English]

## FOREIGN AFFAIRS

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Peter A. Stollery:** Honourable senators, I ask for leave to move a motion now. I am prepared to explain the situation, honourable senators. The Standing Senate Committee on Foreign Affairs has been made aware of the attendance of the President of the Republic of Mali with four ministers tomorrow at three o'clock. As the committee was just notified on the weekend, I was unable to alert the Senate last week. Therefore, I am asking for leave now to move the motion.

**The Hon. the Speaker pro tempore:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Stollery:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:05 p.m. tomorrow, Wednesday, May 11, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

• (1430)

**Hon. Marcel Prud'homme:** Senator Stollery tried to reach me, but I was busy with the delegation of parliamentarians from Kuwait, who will be our guests tomorrow. Even though I am a member of the committee, I am reluctant to grant leave. Eventually we will miss a major debate in the chamber because we will be attending to committee duties.

I will say yes to this motion at this time, but I would hope that there will not be many more motions of this kind in the future because some day we may not have quorum in the chamber.

If every committee is given permission to sit, to which does one say yes and to which does one say no? That makes life difficult for the whips. It makes life difficult for senators interested in certain debates. A number of items on the Order Paper stand in my name and I do not know when I will debate them.

I want to be on record as stating that I will reluctantly agree to this motion, but we must show more discipline in these requests.

**Senator Comeau:** How about the National Security and Defence Committee?

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

## OFFICIAL LANGUAGES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Eymard G. Corbin:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Official Languages be empowered to meet on Monday, May 16, 2005, from 9:30 a.m. to 5:30 p.m. to consider a draft report.

[English]

## QUESTION PERIOD

### FINANCE

#### BUDGET IMPLEMENTATION BILL, 2004, NO. 2— CLARIFICATION OF GENERAL ANTI-AVOIDANCE RULE

**Hon. Serge Joyal:** Honourable senators, I would like to address my question to the Leader of the Government in the Senate. Last Thursday afternoon during debate on third reading of Bill C-33, Senator Murray and I made interventions on the interpretation of

sections 52 and 60 of Bill C-33, the so-called GAAR section. We suggested that the government leader seek from the Minister of Finance, through either a comfort letter or an information circular that the Department of Finance publishes regularly, some reassurance on the interpretation and the scope of section 52, in particular its retroactive effect.

If I understood correctly, the government leader, following those two interventions, undertook to express our views and concerns to the Minister of Finance and report to this house.

Considering that we will vote this afternoon on Bill C-33 at third reading, is the government leader in a position to report on the position that the Minister of Finance has taken following that request?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I want to thank Senator Joyal for his question and the opportunity to continue the dialogue that we had in this chamber Thursday afternoon.

Following my undertaking to the chamber to seek a further explanation from the Minister of Finance, I approached the minister, who provided me with a letter dated May 10, 2005, which reads as follows:

Dear Senator Austin:

Further to third reading by the Senate of Bill C-33, I am writing to you in response to the concerns expressed by some members of the Senate about the effect of certain amendments in Bill C-33 to the *Income Tax Act* and to the *Income Tax Conventions Interpretation Act*.

As I have said recently in my testimony before the committee on this topic, these amendments relating to the general anti-avoidance rule, or "GAAR", are considered to simply confirm the effect of the current law. I am happy to reiterate this point here: we do consider these changes as simply clarifying in nature and not to have changed the effect of the law nor a change in how the law will be applied by the Canada Revenue Agency.

I have also noted in my testimony that, even if these amendments were found to have retroactively changed the law, we believe that they would nonetheless satisfy the guidelines for such changes.

I note that the concern of at least some, at a practical level, is that the Canada Revenue Agency (CRA) may attempt to use the clarified rule to apply GAAR in respect of completed transactions that it had found not to be subject to challenge under GAAR in the past. If that were the case, I might have concerns of my own. However, I wish to assure Honourable senators that I have satisfied myself that CRA does not intend to change its current assessing practice in regard to

tax treaties. While CRA as well as my own Department have always considered abusive tax treaty avoidance transactions to be subject to GAAR, CRA does not and will not challenge every transaction involving a tax treaty. The amendments simply seek to provide certainty that CRA has the authority to challenge, as has been its practice, tax avoidance transactions that result in an abuse of the tax system — whether such abusive avoidance involves Canada's tax treaties or some other aspect of our tax system.

In order to make this clear, and to provide greater comfort to the tax community, we have suggested that a new information circular discussing the application of GAAR to tax treaties be produced, and both CRA and the tax practitioners with whom this has been discussed support this proposal.

In closing, I trust this response will provide you with the comfort that this measure only seeks to clarify that abusive tax avoidance transactions cannot hide behind a tax treaty and argue that it is not caught within the ambit of the GAAR provision.

Yours sincerely,  
Ralph Goodale

Honourable senators, I believe that the Minister of Finance has given an assurance that no concluded transactions are to be reopened. If the file has been closed by the Canada Revenue Agency, it will remain closed. He has given assurances that he will consult with tax practitioners regarding an interpretation bulletin.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Would the honourable Leader of the Government in the Senate not agree that the *Rules of the Senate* provide that we ought not to be anticipating Orders of the Day during Question Period?

**Senator Austin:** I had the opportunity to ask that very same question. I was told that the precedents establish otherwise.

[Translation]

#### DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, I have the honour of presenting four delayed answers to oral questions raised in the Senate. The first response is to a question raised in the Senate on February 24, 2005 by Senator Nolin in regard to Budget 2005, renewal of Canada-community agreements.

The three others are responses to oral questions raised by Senator Keon on a meeting with the United States Secretary of Health and Human Services; the sale of prescription drugs, the handling of Cox-2 inhibitors, the availability of heart medication Inderal LA; and compensation to hepatitis C victims. These questions were raised on March 8, March 21 and April 20, 2005 respectively.



## FINANCE

BUDGET 2005—  
RENEWAL OF CANADA-COMMUNITY AGREEMENTS

*(Response to question raised by Hon. Pierre Claude Nolin on February 24, 2005)*

The Government has directly supported the vitality and development of official language minority communities for more than forty years. The Department of Canadian Heritage provides financial support for community and cultural activities offered by minority official-language communities to enhance their development, ensure long-term continuity and reinforce social cohesion in Canada. It supports diverse community activities such as advocacy, sensitization and networking, and equips the communities with the infrastructure necessary to provide life experiences in their language through, for example, community centres, community radio, theatre, etc.

In the context of the discussions for the renewal of the Canada-community agreements, the Department of Canadian Heritage has offered a 10 per cent increase in program funding to the representatives of the official language minority communities. There was no need to include this funding in the 2005 Budget as it was approved as part of the *Action Plan for Official Languages* and is provided for in existing departmental reference levels.

The Minister of Canadian Heritage is aiming at renewing the community collaboration mechanisms in the spring for the four-year cycle of the program (2005-06 to 2008-09).

Separate from these agreements, Budget 2005 included an additional \$41 million over the next three years for the *Support Fund for Official Language Minority Communities*. This fund assists minority official language communities with economic development, community capacity building and human resource development initiatives.

This investment builds on the government's *Action Plan for Official Languages*, a \$751 million strategy designed to enhance the well-being of minority language communities and individuals across the country in areas such as education, health services, child care, literacy, and economic development.

## HEALTH

## AVAILABILITY OF HEART MEDICATION INDERAL LA

*(Response to question raised by Hon. Wilbert J. Keon on March 8, 2005)*

The drug is a marketed product and therefore Health Canada's Special Access Program (SAP) is not really the first point of contact. It is listed on the Drug Product Database and the Department has not had any inquiries about this thus far. The company confirmed that Inderal LA was backordered a month ago or so but that the inventory

situation has since been solved. The company indicated that there were many inquiries about this from the public but that the supply has been stable for the last couple of weeks and they do not forecast any additional interruptions in the foreseeable future.

MEETING WITH UNITED STATES SECRETARY  
OF HEALTH AND HUMAN SERVICES—  
SALE OF PRESCRIPTION DRUGS—  
HANDLING OF COX-2 INHIBITORS

*(Response to question raised by Hon. Wilbert J. Keon on March 21, 2005)*

Health Canada will strive to create a balance between speedier approval and appropriate safety surveillance for products used in real-world setting. Budget 2003 provided \$190 million over five years to improve the timeliness of Health Canada's regulatory process with respect to human drugs. Consistent with the government's approach on Smart Regulations, Budget 2005 builds on that commitment by providing an additional \$170 million over five years to implement a series of targeted measures to enhance the safety and effectiveness of drugs and other therapeutic products, including:

- Strengthening the capacity to review clinical trial applications and monitor and respond to adverse event reports.
- Developing and implementing regulations in order to improve safety monitoring of therapeutic products.
- Increasing the compliance and enforcement of therapeutic products by strengthening oversight on: adverse drug event reporting by manufacturers; research of subject safety and data integrity in clinical trials; and post-market compliance verification.
- Implementing a regulatory framework for the safety, efficacy and quality of blood, cells, tissues and organs intended for transfusion/transplantation.

Minister Dosanjh has already indicated some of the specific areas which will require further investigation including clinical trials registries and disclosure, mandatory adverse reaction reporting, and conditional licensing.

Health Canada is also developing options for a drug safety monitoring board to increase openness and transparency, and promote government accountability to the public. Health Canada will build on international best practices from comparable regulatory agencies in developing these options. In looking at these options, Health Canada is taking additional steps to improve transparency, openness and accountability.

## COMPENSATION TO HEPATITIS C VICTIMS

(Response to question raised by Hon. Wilbert J. Keon on April 20, 2005)

The Government of Canada is sympathetic to the plight of Canadians infected with hepatitis C through the blood system, and recognizes the burden it places on them and their families.

As such, on November 22, 2004, the Minister of Health announced that all available options will be explored to provide compensation to those people infected with hepatitis C through the blood system before January 1, 1986 and after July 1, 1990.

On April 20, 2005, the Minister of Health reaffirmed the Government of Canada's commitment to these discussions, and indicated that all parties are working in good faith to provide the necessary information upon which to base a compensation framework.

The Minister also said that compensation can only be provided once the appropriate information is available and the discussions are concluded.

The discussions began immediately after the November announcement and have been proceeding since then. The most recent discussions took place on April 21, 2005.

All parties have agreed that, while discussions are ongoing, their substance will be kept between the parties involved.

The Government of Canada is working to bring this matter to a satisfactory conclusion as quickly as possible.

(a) in clause 52, on page 66, by replacing lines 9 to 15, with the following:

“(4) Subsections (1) to (3) apply with respect to transactions entered into after March 22, 2004.”;

(b) in clause 53, on page 66, by replacing lines 21 and 22, with the following:

“(2) Subsection (1) applies to taxation years and fiscal periods that begin after 2004.”; and

(c) in clause 60, on page 73, by replacing lines 1 to 3, with the following:

“(2) Subsection (1) applies with respect to transactions entered into after March 22, 2004.”.

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to lend my voice to the debate regarding Bill C-33. As we know, this bill also contains an amendment to the Income Tax Act which, in the words of the minister, seeks to clarify legislation passed in 1988. This so-called clarification would address an apparent misunderstanding of the original legislation and presumably allow the Government of Canada to seek redress in cases where the Crown feels that tax laws have been broken in the past.

The government seeks to amend the Income Tax Act by broadening the scope of the general anti-avoidance rule, GAAR, in subsection 245 of the act. As Senator Oliver so ably explained to this chamber, under the current wording of the act GAAR can only be used in the instance of a transaction that results in a misuse of the provisions of the act read as a whole. If this legislation is passed, however, GAAR would apply if there were a misuse or abuse of the act, the income tax regulations, the income tax application rules and any bilateral tax treaties. Not only would the scope of the legislation change but also the changes would apply from the time the original legislation passed in 1988 — 16 years before the subject budget.

Honourable senators, the problem with the Income Tax Act amendment proposed herein is not the idea of “clarification.” Making any law, especially tax law, easier to understand is a very worthy goal. However, the aspects of this bill that deal with GAAR — sections 52 and 60 — seem to go further than clarification. We are in danger of allowing the government to retroactively tax citizens under the guise of clarification. I say this because the Department of Finance has not stated its case clearly. The department has had opportunity in the past to clarify the intention of the GAAR but has chosen not to do so. The department has no court ruling that upholds its proposed use of the GAAR. In fact, there exists two cases wherein the Tax Court ruled that the GAAR does not apply to the income tax regulations. They are the 2001 cases of *Rousseau-Houle* and *Fredette*. I will quote the Tax Court's decision in *Fredette*.

It is clear in administrative law that an act and regulations, although both enactments, are very different in nature. An act is passed by Parliament or a provincial legislative assembly, whereas regulations are most often adopted by a government (the executive) under the authority of an act. In my view, since subsection 245(4) of

## ORDERS OF THE DAY

## BUDGET IMPLEMENTATION BILL, 2004, NO. 2

## THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Dallaire, for the third reading of Bill C-33, a second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator McCoy, that Bill C-33 be not now read a third time but that it be amended:



the Act does not say "the Act and Regulations read as a whole", one must not take into account the rules adopted by the government in the Regulations. If Parliament had wanted them to be considered, it would have clearly so stated in subsection 245(4) of the Act, as it had done in a number of other provisions of the Act.

It is my belief that where there is clarification such as this, the proper action for the Department of Finance would be to appeal its decision and seek clarification through the courts, as any citizen would be forced to do. However, the department has made no such attempt and, in fact, merely characterized the decisions as surprising. I fail to see how expressing surprise might be the proper response by a department that, in light of this legislation, seems to regard the situation as quite pressing.

The fact that no appeal was made muddies the waters as far as seeing this bill as a clarification to the use of the GAAR. If the government believes the legislation is clearly meant to operate as written, that the intention was clear, then why not pursue the issue through the courts? It truly leads one to believe that the courts would continue to decide against the department and, hence, the legislative approach we are now considering.

Where does this leave us? Once again, we must contemplate whether we are dealing with a case of retroactivity. Retroactivity has been discussed in this chamber recently with regard to Bill S-18, the amendments to the Census Act. At that time it was my contention that our government should not be approaching legislative changes from the perspective of retroactivity, that we have no right now to amend laws and give those laws a meaning different from that promised to the citizens of Canada when they were originally passed, that is, without a grandfathering provision for those citizens who now find themselves impacted by the new law. I believe strongly in that.

Every so often in this chamber we have an opportunity — and I say "opportunity" because difficult decisions are the privilege of the people in our positions — to uphold the laws of this country. As legislators, it is our responsibility to ensure that the strong traditions of our legal system are not ignored or abused, and to provide wisdom in such circumstances. Do honourable senators think that our predecessors would have done otherwise? I think not.

In fact, I need only remind honourable senators of the so-called Pearson airport case of 1994 wherein the legislation proposed would have denied Canadian citizens the right to be heard in court. I will quote our esteemed colleague, the Honourable Michael Kirby, with regard to the implications of the use of retroactivity. He said:

In some 30 years around government, I have never known policies to be applied retroactively. Traditionally, we grandfather everything if we are in the queue. If they change the label on cigarette packages, all the packages that are out there in the marketplace can still be sold. All of Canadian history and public policy precedent is on your side on the retroactivity point.

Senator Kirby is right. We should never rely on retroactivity to correct legislative mistakes made in the past. The tax system in

our country is based on trust between the government and its citizens, a trust founded on the rule of law. Taxpayers pay their taxes according to how a law is understood to work. If there is a disagreement, such as there appears to be in this case, they expect an avenue of recourse to be available to settle the dispute. This legislation takes away that right of legal recourse for those who participated under this tax law regime for the past 17 years.

The letter tabled today gives no comfort to those people. Their legal rights will be trampled.

Despite the fact that there have been decisions countering the government's claim on how this legislation will function, if passed, this bill will take away the right of individuals to use these arguments in court. The cases that are pending will not be decided by jurisprudence but by a piece of retroactive legislation. We would be forcing taxpayers to commence litigation against their own government to preserve their right of recourse under our legal system.

That, honourable senators, is a shameful precedent. That is not how our system of government works, nor is it how our civil society expects it to work. We as senators must recognize this and protect the rights of our citizens. We cannot allow ourselves to bypass the judicial component of our government and rule society through the manner proposed in this legislation. If we make the correct policy decisions at the executive level, and if we write the laws clearly and according to the rules of the other place in this chamber, and if the courts interpret them reasonably and fairly, we are enabling our system of government, based on the rule of law, to work as it was meant to by the Fathers of Confederation. That does not seem to be too much to ask.

On Tuesday of last week, we learned in the Standing Senate Committee on National Finance from a former parliamentarian, the Honourable Marc Lalonde, that this legislation is not up to the standards by which we should be measuring legislation. He said:

Any reasonable person who has respect for the rule of law would conclude, in my view, that the amendment that has been introduced before you is extreme, goes beyond what is necessary and, on the basis of the arguments of the department, it is superfluous to say the least.

If this proposed amendment to the Income Tax Act has merit, one might ask why it was not brought before us in a separate bill. Why was it not made to stand on its own? Why this surreptitious, buried approach? The obvious answer is that the law is weak and subject to challenge. Simply put, honourable senators, this is bad law. To put this bad law in with a budget bill is mischievous, to be extremely charitable. More accurately, it was wrong and inappropriate of the bureaucrats and officials to include this proposed law in this bill.

We are all very well aware of the fact that this is a time of minority government. That is all the more reason for us to be more sensitive to that precarious situation when preparing draft legislation for consideration by both Houses of Parliament. The subject bureaucrats and officials are attempting to make the Senate an accomplice to this regressive legislation. I, for one, will not join in that legislative underhandedness.

There is more to this, as well.



• (1450)

Senator Plamondon touched on our role internationally during the census bill debates. We have an international reputation second to none, one based on stable rule of law void of retroactivity. If we pass this bill unamended, that reputation will undoubtedly suffer. This bill does not just affect Canadian citizens but citizens of other countries as well.

I am not advocating this bill be killed. To the contrary, we can make it better and fairer to those involved. The simple way of doing so is to adopt the amendment of Senator Murray to cancel the retroactive aspects of the legislation. We have not only the ability but the responsibility to do so. If we merely allow for the amendment proposed to take effect from the March 22, 2004 date of the budget onward, we would be making this a much better bill. Quite frankly, that is what we are charged to do.

Honourable senators, I ask you not to minimize the issue here — the truth. We are not dealing with a matter of clarification. We are looking at another instance of retroactivity. We must invoke the tradition that exists in this place. We need only look to the past to understand what we must do to protect the future. The past will tell us that we cannot reach back and trample the rights of citizens. I would ask honourable senators to have the courage to change this legislation by supporting the amendment before us.

Just two days ago, Canada celebrated Victory in Europe Day marking the end of World War II. We gave thanks to our veterans who made the supreme sacrifice and to those who served and came home. We are grateful for the freedoms that those men and women fought to preserve. Yet, here we are, for the second time in two months, proposing to adopt legislation that takes away the rights of our citizens — the right of privacy and the right to due process under our law. We must not give up those hard-fought freedoms.

Honourable senators, please remember the feelings of humility and honour you experienced when you first walked through these doors and were sworn in as a senator. You took an oath making you one of 105 legislators who occupy this chamber. You became a member of the chamber of sober second thought and were charged with thinking independently and acting as a guardian of the rights of Canadians. The integrity of this chamber is paramount. I ask you to think of this as you vote on this amendment to this bill.

**Hon. W. David Angus:** Honourable senators, I agree with Senator Moore. I could not have said it better. His speech has put the issue before us.

I rise to support the amendment we will be asked to vote on. If Bill C-33 is adopted in its present form, the amendments it proposes will take effect from September 13, 1988 — yes, honourable senators, almost 17 years ago. We need to pay special attention to these amendments given their retroactive nature. It is for these reasons that I believe Senator Murray's amendment must be supported. We can make Bill C-33 into good law from the bad law it is presently.

The general anti-avoidance rule, GAAR, is an extraordinary taxing power of government. It gives the Minister of National Revenue the power to assess taxpayers even if they have conformed to all applicable requirements of the Income Tax Act.

A minister is justified in using the GAAR when he or she can show that the underlying tax planning in question was abusive notwithstanding a taxpayer's compliance with the income tax rules. This abuse standard is so vague that the courts have developed an interpretation principle that the GAAR power can only be invoked if the minister can show to the court's satisfaction that the alleged abuse is clear and unambiguous. This is almost the same burden or onus that exists in criminal law, where the Crown must show guilt beyond a reasonable doubt.

We are talking about extraordinary taxation powers of the fisc in a society where we have a time-honoured rule that the taxpayer is entitled to arrange his or her affairs in a way that the fisc puts the smallest shovel into his or her assets. This legislation runs counter to that principle.

It is precisely this extraordinary feature of the GAAR which dictates that we must pause before approving retroactive amendments to it going back 17 years. Indeed, in its 2004 budget, the Department of Finance itself launched these proposals on the express basis that they were not retroactive but were merely of a housekeeping or clarifying nature. I am not sure what the difference is supposed to be. Apparently, the Department of Finance thought it could persuade legislators, including ourselves, that there was no substantive change to the GAAR intended by these proposals. This is on the contrary, honourable senators.

Clarification involving no change to the existing law? Why, Bill C-33 would add 111 words to the GAAR, words which tax practitioners should have known were supposed to have been in the text but were not. Tax law is sufficiently complicated as it is that we should not be writing it using invisible ink.

The evidence heard by the Standing Senate Committee on National Finance clearly demonstrated that the proposed changes are not just for clarification. There is a big controversy as to whether or not the GAAR applies in the case of tax treaties and regulations.

One merely needs to review the submission prepared by the Joint Committee of the Canadian Bar Association and the Canadian Institute of Chartered Accountants to realize that many practitioners and academics have written learned treatises on these subjects and issues. They have advanced cogent and detailed arguments as to why the GAAR does not work in the way the Department of Finance and the Canadian Revenue Agency might like it to work.

The courts have been divided on these issues, with judgements and decisions going both ways. Obviously there needs to be clarification, but that clarification should occur on a forward basis only and not back 17 years to 1988.

The Minister of Finance appeared to change gears on the issue of clarification and retroactivity in his recent testimony before the Standing Senate Committee on National Finance. The minister



now seeks to justify the amendments on the basis that they satisfy the published guidelines the Department of Finance issued in 1995 indicating circumstances in which retroactivity may be justifiable.

I respectfully suggest that the letter read to us by the Leader of the Government from the Minister of Finance does nothing to alleviate the problem with Bill C-33 that we are accentuating.

To summarize these guidelines, the Department of Finance suggests that retroactivity is justifiable in circumstances where two conditions are satisfied simultaneously. The first criterion is that retroactivity deal with a well-established policy of the Department of Finance and the CRA. The second criterion is that policy will be well accepted by tax practitioners. Looking at the testimony given before the Standing Senate Committee on National Finance, I submit it is obvious to anyone who is not wilfully closing his or her eyes to the truth that neither criterion is satisfied through the provisions of Bill C-33.

The position of the government on this issue was never clear. Retroactivity in the area of taxation law is especially odious because taxpayers make very important economic, business and family decisions, all based upon advice they receive — at great expense, I might add — from tax practitioners such as accountants, lawyers, financial planners and other advisers as to the fiscal consequences of their decisions. The Parliament of Canada should not be involved in rubber-stamping the dictates of bureaucrats who would like to see the law read other than the way it does, on a retroactive basis.

The officials who testified before the National Finance Committee were repeatedly asked by Senator Massicotte why these changes had not been made previously. Why had they not been made when eminent tax practitioners raised the issue back in 1988 and 1989 or when these issues began to be litigated before the courts in the early 1990s? Why not when the Auditor General issued her report raising the issue in 2001?

• (1500)

These questions have never been answered by the officials, honourable senators, nor were they answered by the committee when raised by our colleague, Senator Massicotte. There are pending cases that will be affected by this proposed change, and looking at the testimony before the committee, it is obvious that the government's real intent is to give itself a leg up in the pending litigation. It is trying to take away arguments from taxpayers and their counsel, which may have been crucial on prior decisions made on tax planning issues. It is not the Canadian way of doing business and of treating our citizens. It is not our system. We must let the courts decide this issue for the past.

I again emphasize the critical importance of stability in our taxation system, honourable senators. We live today in a globalized world, and we are competing with other countries for international investment. We need a stable tax system where taxpayers know their rights, and are permitted their regular recourses to the courts when questions of doubt arise.

These issues are not without complexity. Indeed, it has been brought to my attention that in several recent Supreme Court of Canada cases, the issues have been so difficult that the courts themselves have been greatly divided on them over the course of

the same litigation. For example, taxpayers have lost in lower courts only to succeed ultimately at the level of the Supreme Court on a number of occasions. That has not only happened once but in many recent cases. It is for this reason that we should let this complicated issue of the GAAR and tax treaties and regulations in regard to the GAAR be decided by the courts who are specialized in such matters, and not by this Bill C-33, which, as Senator Moore has said, if passed, will be bad law.

We, the members of this honourable chamber, should not be unwitting accomplices, as suggested by Senator Moore, of an out-of-control, overzealous tax-grabbing group of officials in the Department of Finance. When we vote later this afternoon, I urge honourable senators to support the very excellent amendment being advanced by Senator Murray.

**Hon. Joseph A. Day:** Honourable senators, I have already spoken to the bill in third reading, but I have not spoken on the amendment, and it is on the amendment that I would like to direct my comments at this time.

I will urge honourable senators, in my remarks, to consider the effect of the amendment proposed by my honourable colleague, Senator Murray, and to consider the impact of that proposed amendment.

Honourable senators, the issue of the amendment is not new. Honourable Senator Murray brought it up during the appearance of the Minister of Finance before us in committee. I will read the comments made by the Honourable Ralph Goodale at that time. Mr. Murray asked the question about not having the amendment effective as of the date of the 2004 budget, and Mr. Goodale stated:

For the simple reason, Senator Murray, that to take the position that you describe might lead others, including lawyers and the courts, to conclude that we are implying a change here. Our point is that this is not a change. This is the way the law has been since 1988. If we were to say that this is a change going forward, then, by implication, you leave the impression that there was something different in place from 1988 until now, which is not our position. Our position is that this has always been the state of the law.

That position is important, honourable senators, if we understand that if the amendment was affected by 2004, and if, therefore, the courts and lawyers would urge that things have changed, then what about all those thousands of taxpayers who took advice from their tax advisers based on the position that they knew the government was taking since 1988, and followed that government position? What about all those taxpayers?

If we follow this amendment, all those taxpayers would be disadvantaged.

The important point, honourable senators, throughout this debate has been the knowledge that was in existence in the industry. It is important for honourable senators to have in mind we are talking about a fairly complicated area, general anti-avoidance rules, particularly in respect to international treaties and general avoidance rules that might apply to an abusive situation where the tax rules have been abused. For that reason, it is a pretty restricted area, and the people who would use



this type of vehicle would be taking advice, and the people who would be advising, would know the government's position. The knowledge is there. That, honourable senators, has satisfied me that if the knowledge was there throughout the period, then the minister is correct on this issue, that it is clarifying the position. The clarification is necessary because of two cases that came forward with respect to regulations. Several witnesses have told us that it was a surprising decision.

Honourable Senator Moore has referred to those two cases with respect to the regulations, stating that the regulations did not apply to the general anti-avoidance rules. The two cases were decided, and the judgment came down the same day, March 23, 2001, from the same judge. For that reason, it is hardly helpful for us to say "two cases."

We have had comments from witnesses to the effect that these two cases by that same judge on that same day were brought into question. Judge Archambault had decided these two earlier cases where his judgment was questioned, and it was his comment that was questioned because the judgment did not turn on that particular interpretation. One of the cases was *Her Majesty the Queen v. Canada Trustco Mortgage Company*, and another case in the court of appeal also specifically rejected Judge Archambault's position. The two cases were under appeal, but because the taxpayer had won on several other points, there was no guarantee on the appeal that the issue would be clarified in the Court of Appeal.

In November of 2003, the appeal was withdrawn by the government, and in March 2004, the clarification appeared in the budget. Honourable senators, it is important for us to have those two cases in mind.

We talked at length in our hearings before the Standing Senate Committee on National Finance, with respect to this general anti-avoidance rule. Unfortunately, the debate has turned around retroactivity versus clarification. We bring one witness in, and he says why not call it "retrospective." There are many different terms that you can use. Is it the fact that this piece of legislation speaks retrospectively, and some people say, "That is retroactive and we therefore raise a red flag, and, my goodness, we cannot have retroactive legislation"?

My honourable colleague referred to our veterans. Honourable senators, I personally participated here sponsoring two pieces of legislation that were retroactive with respect to our veterans. One of them was the Bruce Henwood legislation that went back for decades to cover people injured in war zones. If we had not had retroactive legislation, we would not have been able to clarify that clearly wrong situation. Also, with respect to the Veterans Independence Program —

• (1510)

**Hon. Anne C. Cools:** Honourable senators, I have a point of order. Honourable senators, I am very much aware that the time is ticking away, and that at 3:15 Her Honour will rise and set the bells ringing. It seems to me that Senator Day has already spoken, and may be, perhaps, "talking out the clock." I wonder if I could appeal to Senator Day to enquire if there are other senators who might wish to speak, since these kinds of motions are at the initiative of the government.

It is in quite in order. Senator Day has spoken. Senator Smith, we are all waiting to hear from you on Mr. Lalonde.

**The Hon. the Speaker pro tempore:** I am sorry, Senator Cools, when Senator Day started speaking, he told us he was speaking to the amendment, and that he had already spoken to the main motion.

**Senator Cools:** Honourable senators, there are still unsettled and unanswered questions. Perhaps honourable senators would like a shot at them. For example, I was hoping to hear Senator Smith say something about the question of the debate.

**The Hon. the Speaker pro tempore:** I am sorry, Senator Cools, it is not a point of order.

Senator Day, please continue.

**Senator Day:** Honourable senators, thank you for your support and understanding on this matter.

It has been a very complicated debate. It is important for honourable senators to know that this matter, if one analyzes it, comes down to a matter of whether there was proper knowledge and, therefore, that the test of fairness to the taxpayer has been met. That is one of the tests. If this legislation were considered to be retroactive, that is one of the tests.

In respect to this wording of retroactivity, let me refer to the evidence of Mr. Scott Wilkie, who appeared before us. He is a very senior tax practitioner who served on the joint committee, although he is not now a member. He did not appear as part of the joint committee, but as a senior tax practitioner. He said:

What needs to be said is that tax legislation is very commonly passed retroactively. You honourable senators will have the benefit, subject to events, to consider a mind-numbing bill coming, with respect to the foreign affiliate rules, that has retrospective amendments of a relieving nature requested by taxpayers dating back to 1994.

Honourable senators, he goes on to state:

It is very common, particularly where they are relieving, for tax bills to be retroactive.

Honourable senators, it is common, therefore, for us to have tax legislation and legislation generally that is retroactive, retrospective, whatever words one wants to use, but the five tests that the Standing Committee on Public Accounts recommended in 1995 were put in to ensure fairness. One of those is the test of what the general knowledge was in the industry. That was the point I was making earlier, that the industry here consists of very sophisticated taxpayers who are participating more and more in international matters. They knew about this from the beginning, and their advisers knew what the government's position was from the beginning.

Honourable senators, if accepted, this amendment would create two classes: those who followed the rules before 2004 and those afterward. I urge honourable senators to reject the amendment and support this very worthwhile legislation without amendment.



**The Hon. the Speaker pro tempore:** It being 3:15 p.m., pursuant to the order adopted by the Senate on May 5, 2005, I must interrupt the proceedings for the purpose of putting the question on the amendment of the Honourable Senator Murray, P.C., to Bill C-33. The question on the amendment is as follows — shall I dispense?

**Hon. Senators:** Dispense.

**The Hon. the Speaker pro tempore:** All those in favour of the amendment will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All those opposed to the amendment will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion, the “nays” have it.

*And two senators having risen:*

**The Hon. the Speaker pro tempore:** Pursuant to the order made on May 5, the bells will ring for 15 minutes. Call in the senators.

• (1530)

Motion in amendment negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Angus	Murray
Atkins	Nancy Ruth
Buchanan	Oliver
Comeau	Plamondon
Cools	Prud'homme
Di Nino	Rivest
Doody	Spivak
Keon	St. Germain
Kinsella	Stratton
LeBreton	Tkachuk—21
Moore	

#### NAYS THE HONOURABLE SENATORS

Adams	Harb
Austin	Hubley
Bacon	Jaffer
Baker	Joyal
Banks	Lapointe
Biron	Lavigne
Callbeck	Léger
Carstairs	Losier-Cool
Chaput	Maheu
Christensen	Mahovlich
Corbin	Milne
Cowan	Mitchell
Dallaire	Pearson
Day	Peterson
Dyck	Phalen
Eggleton	Pitfield

Fairbairn  
Ferretti Barth  
Finnerty  
Fitzpatrick  
Fraser  
Furey  
Gill  
Grafstein

Poulin  
Robichaud  
Sibbeston  
Smith  
Stollery  
Tardif  
Trenholme Counsell—47

#### ABSTENTIONS HONOURABLE SENATORS

Andreychuk  
De Bané  
Johnson

Lynch-Staunton  
Massicotte  
Ringuette—6

**The Hon. the Speaker:** Honourable senators, the question is now on the main motion.

It was moved by the Honourable Senator Day, seconded by the Honourable Senator Dallaire, that the bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Those in favour of the motion will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the “yeas” have it.

**Senator Kinsella:** On division.

Motion agreed to and bill read third time and passed, on division.

• (1540)

[Translation]

#### CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION BILL

##### SECOND READING

**Hon. Roméo Antonius Dallaire** moved second reading of Bill C-45, to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts.

He said: Honourable senators, it is with great anticipation that I am speaking to Bill C-45, which proposes to modernize our veterans' assistance and compensation program, and it is my hope that this legislation will be passed without amendment by this chamber.

[English]

Bill C-45 is posed as a modernization and, in fact, a new social contract between the people of Canada and the veterans, both past and recent. This new proposal is ultimately seen as a means of enhancing the operational capability of the Canadian Forces in conducting many of the very complex duties that they are called upon by the government to do across the world and, as such, to come in support of those who are veterans of these operations, be they veterans who are injured or deceased, and also to their families who, contrary to possibly our historic veterans of World War II and even Korea, now live the missions with us as, through the media, they are seeing constantly the operations and the impact of those operations on their family members — spouses, fathers and so on who are committed to these complex missions of today.

The government essentially maximized the capabilities of the old veteran charter in attempting, over the last years, to meet the new challenges of today and the demands of the modern veterans and their families as they seek not only compensation but attempts to be rehabilitated into a thriving portion of the Canadian society. As such, we are faced today with a near-revolutionary piece of legislation in regards to meeting those modern demands of those veterans and their families.

Some of the evidential material that I wish to propose or present to you is in the following: First, Veterans Affairs has seen an unprecedented increase in the number of veterans requiring support in regards to both compensation and also rehabilitation into Canadian society. Between 2001 and 2004, we have seen in the order of a 58 per cent increase in veterans as a direct result of the number of commitments and the high tempo of operational commitment of our armed forces around the world.

Second, although the current programs have been successful in meeting the needs of traditional veterans, it is a system that can perpetuate unwellness, as evidenced in the number of Canadian Forces clients who return to the department in an attempt to have their existing disability pension rates raised. It is simply not meeting the requirement.

We are in no way, shape or form affecting the compensation packages and the support of the old veterans charter committed to our traditional veterans of World War II and Korea. Those packages remain intact and will continue to support those veterans of our traditional wars. However, those packages were not meeting the demands of the new generation of veterans, particular those who have served since Korea and, more specifically, in the new era of the post-Cold War time frame.

Traditional disability pensions have served our war veterans quite well, especially when coupled with comprehensive re-establishment support which was available at the time most of those veterans were released from the military. One must

remember that the original veterans charter responded to the needs of over a million young Canadians coming back from those operations. Today, we are in need of a charter to meet the new generation of young veterans coming back from these operational theatres.

The third piece of evidence points to the need for change. A significant number of veterans are simply not successfully making the transition from military life to civilian life. A large proportion continues to suffer. Those seeking relief from their disabilities find it most difficult to reintegrate into Canadian society with the programs that have been offered up until now. As such, there is a need for this revamping, and ultimately the rearticulating, of the veterans charter to meet these new demands.

Evidence number four is that there are so many service providers that many are lost in the administrative struggles in attempting to seek the proper compensation and support that, in fact, the old charter was providing. Today, with the new demands, the administrative processes have simply not kept up with the needs and, as such, have rendered it nearly impossible for some to meet the challenges.

If I may comment, it is particularly those who have suffered from disabilities due to depression or from post-traumatic stress disorder who find it almost impossible to comprehend and to work within a process that is, at times, built for people who are healthy and, as such, they make a significant disconnect.

The fifth and the final point of the evidence I wish to present today is the fact that there is no support for families. As I indicated, the families today live the missions with us. As those veterans come back, they do not come back to a family that has simply, on occasion, seen or heard of the nature of the conflicts, but due to the media and due to the availability of information, they live and see on a day-to-day basis the impact of those missions on their loved ones. In fact, they become affected by that impact and have difficulties in adjusting and accepting the return of a veteran who is not necessarily the same person who left months before due to the impact of those operations.

Veterans Affairs Canada and National Defence have been working extensively, and I must mention my personal involvement since 1997, in attempting to adjust the old program and leading to the introduction of this new contract between the Canadian people and the members of the Canadian Forces who ultimately become veterans of these new operations. In so doing, the provisions of Bill C-45 are the result of years of study and consultation with stakeholders, partners and experts in the field. They are also modeled on the best practices of other countries which have already modernized their veteran services and benefits. I speak specifically of Australia, the United Kingdom and the United States.

With the focus on wellness, the proposed programs deal with the key issues of rehabilitation, health benefits, economic loss, job placement and disability awards. These elements must all be viewed within the context of the veterans' needs and their family needs over time. It is not a one-time effort but, on the contrary, must be available throughout the continued life of the veterans as they attempt to move back into society. They need support to be



able to be rehabilitated, job re-training and job availability, including, should the member be totally disabled, providing job support, training and education to the spouse in order for the spouse to be able to take over the charge and responsibilities of the family.

Honourable senators, we need a rehabilitation program that will help disabled veterans participate to the best of their ability at home, work and into the community. We need health benefits that will complement existing coverage provided by National Defence and provide eligible veterans who face service-related barriers to integration and their families with uninterrupted health coverage after their release. Many were falling between the cracks from the time of their release from the Canadian Forces to the time that Veterans Canada were picking them up. As such, a number of us suffered unjustly and, in particular, their families suffered.

• (1550)

Job search and transition training will be offered to all releasing Canadian Forces members. All members of the Canadian Forces who serve for one year and who are ultimately released are veterans. As such, they must have access to the benefits of this veterans program. These provisions will be jointly managed by VAC and DND and will provide veterans and their families with the independence and financial security that they deserve.

In a similar fashion, the economic loss provisions of the bill will offer a safety net for those who experience an income loss as a result of their service-related rehabilitation needs. It will include short-term support for those undergoing rehabilitation and longer-term relief for those who can no longer work.

A disability award program will compensate Canadian Forces veterans for non-economic losses such as pain and suffering. We propose that this compensation be delivered in the form of a tax-free, lump sum payment of up to \$250,000, depending on the extent of the total disability.

Honourable senators, I have touched on the surface of these provisions and all that they offer. I would now like to touch on the consultative process. Since VAC's announcement in the spring of 2004 of its intent to introduce a new veterans charter, a modernization task force has undertaken extensive consultations with stakeholder groups, including national veterans associations and officials from DND. In addition, focus groups were held to gauge reactions of Canadian Forces members, veterans and their families to the program proposals.

As well, the Veterans Affairs Canada — Canadian Forces Advisory Council, created in honour of Dr. Peter Neary and his team from the University of Western Ontario, with whom I participated for more than four years, has advised, consulted and been involved in the articulation of many of the proposals that are included. In retrospect, however, some of the details have come to the fore as the bill has progressed.

As such, Canadian Forces members and veterans see this as not only revolutionary but also as a whole new effort for attempting to solve the problems of the past, as well as for leaping us into the future. As such, for those who wish to serve the Canadian Forces,

it will enhance their interest and their field of support as they commit themselves and their families to sacrifices while serving overseas and, in so many cases, becoming disabled by their service.

Honourable senators, Bill C-45, in respect of the new veterans charter, is the people's side of our national commitment to a troubled world. It recognizes that Canada is strengthening its international role and it assures that the men and women of the Canadian Forces are well supported and cared for. By supporting this new social contract, we will not only resolve a pressing need to meet the continued effectiveness of our forces and operations around the world but we will also face head-on the responsibilities that we have to those who risk their lives for the enhancement of peace, security and human rights in far-off lands in our name. It is with this responsibility in mind, along with Canada's proud tradition of honouring her veterans, that I ask honourable senators to support the swift passage of Bill C-45.

**Hon. John Lynch-Staunton:** Honourable senators, would Senator Dallaire allow one or two questions?

**Senator Dallaire:** Yes.

**Senator Lynch-Staunton:** The first question is with respect to the Veterans Review and Appeal Board, which has a final say in the case of disputes. On many occasions these disputes are not always in favour of the veteran. Over the years, veterans' groups have been asking for an ombudsman so that there would be a more neutral party in place for disputes that achieve an unsatisfactory result before the board. That would be one more level of appeal. Are you aware of any reference to an ombudsman in this proposed veterans charter?

**Senator Dallaire:** In the deliberations that took place, there was a tacit decision not to look at the Veterans Review and Appeal Board and to reconstitute that capability. It was thought that it responded to what veterans perceived to be their rightful requirement or compensation, although not always favourably. However, as we have acknowledged over the years, that would be an exceptional set of circumstances in exceptional cases. In our estimation, the board should continue. The idea of an ombudsman was proposed and, as such, has been left for consideration in the future. In our analysis, the board should remain in Bill C-45.

**Senator Lynch-Staunton:** My other question is more pertinent to the bill and clause 9, specifically. A veteran applying for rehabilitation services who has had physical or mental health problems has 120 days from the day of his release to make that application. If he goes beyond 120 days, a minister may, at his or her discretion, allow the application to be made. A veteran may not find that he has a disability that will qualify him for these services within 120 days. Why is the deadline so short? Why is it not extended to six months or one year, because some disabilities might not become apparent, or be seen, felt or known for a long time after the veteran has come home and is released. Why is the window for application only open for 120 days?

**Senator Dallaire:** There have been a few concerns with the nuts and bolts of the bill. If I may, honourable senators, I would prefer to defer the response to the honourable senator's question to committee, if so moved. That way, I would be prepared to provide a more definitive response.

**Senator Lynch-Staunton:** Honourable senators, I did not know that the bill would be referred to committee. If that were to be the case then, certainly, these questions would be more pertinently asked there. I would agree to defer them.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Would the honourable senator take another question?

**Senator Dallaire:** Yes.

**Senator Stratton:** As I understand it, Bill C-45 addresses all veterans or a particular class of veterans?

**Senator Dallaire:** Honourable senators, as indicated, the proposed charter would meet the requirements of all veterans. In so doing, the compensation and all the programs established for our traditional veterans from World War II and Korea have not been affected by this process. As such, all rights and privileges established in the past will continue to meet their requirements as indicated in our work. We ensured that traditional veterans do not think that what they have come to expect and know over many years would be affected in any way, shape or form by this process.

**Senator Stratton:** Would the honourable senator, as a veteran, benefit from the provisions of this bill?

**Senator Dallaire:** Yes, I would benefit. All Canadian Forces veterans post-World War II, with the exception of Korea, would benefit from this bill should compensation, rehabilitation, training and the like be required. It is for all Canadian Forces members recognized as veterans.

[Translation]

**Hon. Madeleine Plamondon:** Honourable senators, I would like to know more about the definition of "common-law partner." The bill refers to a person who is cohabiting with the member or veteran in a conjugal relationship, having so cohabited for a period of at least one year. If a person did not enter into a conjugal relationship with a veteran until one year after he had returned, would that person be entitled to compensation and, if so, what would be the nature of that compensation? What about a person who had been in a conjugal relationship for only one year?

**Senator Dallaire:** The bill will require the Veterans Affairs Canada to undertake a comprehensive review of its policies, and this will take almost one year. A person who did not enter into a conjugal relationship with a veteran until one year after he had returned would be entitled to the same compensation as would a wife. Moreover, if the veteran is injured to the point where he can no longer provide for his family's needs, the spouse will receive all possible support to get an education leading to a career, or to find a job allowing that person to support the family.

**Senator Plamondon:** What about same-sex couples?

**Senator Dallaire:** According to the law, the standard established definitions are the ones used.

• (1600)

**Hon. Marcel Prud'homme:** Honourable senators, if memory serves, the Government Red Book of 1993 included a promise that the whole question of same-sex partners would be re-examined. There was even one provision — I discussed this with some of the members — that aroused a great deal of interest. No political party appeared to want to address this question.

When a new bill is introduced, this might be the time to re-examine the whole issue that was literally just put aside. I understand that people can be common-law partners. I understand traditional marriage, and marriage between persons of the same sex. Some same-sex couples want to marry. I am basically a traditionalist when it comes to traditional marriage.

But, once again, we have not addressed the matter of brothers and sisters, brothers and brothers, sisters and sisters — and there are a number of them in the Senate — who look after each other. The word "partner" has never been defined. It was supposed to be in 1993. Madam Robillard, as President of the Treasury Board, had even promised "Do not worry, honourable senators, a special justice department committee will address this important question." I wonder whether the time for that has come. I submit that question with the greatest respect and friendship. Will it soon be possible to extend that definition, not just for this debate? I see that Senator Angus and a few others are smiling at this. It may be something new for some, but there are thousands and thousands of people who are looking after others.

So, back to my initial definition. There is a broader definition of child, as in the *pacte français*. In my case, this would include my sister. As everyone knows, my sister and I have been looking after each other for 70 and 75 years. But there are no provisions for these people, or for widows or widowers who are looking after another widow or widower. Nothing. There has been a whole debate on same-sex marriages but nothing on these other situations.

Would you have a suggestion before we go to committee? Is it not time to examine this issue, which affects so many people? Should it be considered in the near future? Senator Eggleton, you were in National Defence; if you wish to debate, please rise. I will listen to what you have to say with considerable respect, if I can still muster any.

I now address Senator Dallaire. Is this not an opportunity to examine the problem, even if it means passing the bill fairly quickly and then returning to the matter?

**Senator Dallaire:** I have to say the scenario you have developed warrants consideration, but in this context, the matter could be addressed in committee in order to permit a perspective more specific to the needs of veterans.

**Senator Prud'homme:** Veterans have sisters, too!



[English]

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, if there are no further questions to Senator Dallaire, I rise to support this bill in principle. In so doing, I also would like to salute our new colleague Senator Dallaire. I had the pleasant opportunity over the last couple of days of being with him as he was honoured by one of our New Brunswick universities.

Senator Dallaire brings very special insights and will make many contributions to this chamber. As well, he is an excellent spokesperson, given his history, for veterans, being a veteran himself. I take the case he has made, and the manner in which it was made, for support of this bill.

My fraternal advice would be that, given he may be a beneficiary of some of the provisions of this act, he may want to abstain when it comes to the vote, for a number of reasons. Given that the bill has the support of the opposition in the Senate, and there is a significant number on the government side, there is no question that the bill will carry. For that reason, should he decide to abstain on the vote, we would all understand why.

Honourable senators, all members of the Senate of Canada, as we work under the paintings daily here, are cognizant and always sensitive to the contributions made by members of the Canadian Forces and those who, when they complete their service with our forces, are distinguished veterans. It is often a happy opportunity for us to have legislation in this chamber that speaks to issues of practicality and bread and butter, as you may put it.

Bill C-45 does have shortcomings, and with my colleagues who are sitting on the other side of this chamber, I am sure we will attend to fixing the lacuna that can be found in this bill. However, at this point in time, dealing with what we have, we are supportive of the bill. Also, given the era of some volatility in the other place, we are concerned that the bill be proceeded with as carefully as the Senate, by duty, can proceed with the bill, but equally as expeditiously as we can examine and proceed with it.

Honourable senators, the Veterans Charter currently in place was developed after the Second World War, but it does not meet the needs and realities that face veterans of our Armed Forces in this day and age. Although Bill C-45 is aimed to rectify many of the difficulties currently faced by veterans, this proposed legislation does not go far enough. I think that will be the testimony that we will hear from witnesses, particularly from the veterans' community.

In the bill before us, there are some issues that may arise in the future of which honourable senators should be aware. There are five separate programs that will have to be administered by Veterans Affairs Canada. Those programs are health benefits, job placement assistance, economic loss support, disability awards and death benefits.

As an old public administrator, I inevitably have to ask the question, is the machinery of the necessary administration currently set up in Veterans Affairs Canada?

• (1610)

Can it make all the necessary arrangements in order to deal with these services should this bill be passed? Has the government been exercising due diligence in making plans for implementing this bill when it becomes law?

The bill calls for case management teams in one point of contact. The system now requires veterans to call a toll-free number and wait for a response from their case manager. If you talk to a handful of veterans, they will tell you that process can take days.

We therefore should have concerns about the amount of time that a veteran will need to wait in order to access the services being outlined in the bill that is before us. Clause 9(2) on page 7 of the bill speaks of 120 days. However, it looks not so much like a right that is granted by that clause but a privilege that the minister has the discretion to bestow.

On the point of 120 days, this timeline may not be suitable for a number of individuals due to the nature of their illness or their condition resulting from their military service. For example, perhaps a condition does not manifest itself until long after their return. What will these individuals be told when they contact Veterans Affairs? Will their attempt to access these necessary services be stymied simply because they applied after the 120-day cut-off? Again, when one reads that clause, ministerial discretion does not predicate a right.

There are also concerns about eligibility for benefits for widowed spouses with children versus those without children. In the current legislation, as I understand it, a widowed spouse with children can receive 100 per cent of the benefit. Those spouses with children receive 60 per cent, and the remaining 40 per cent goes to the children. The spouse nonetheless has to raise and support the children on the reduced amount. Perhaps we will get an explanation from the witnesses who come to the committee as to the rationale behind this particular aspect of the legislation.

A spouse of less than one year is not eligible for benefits. I would raise serious concern about this measure and the rationale behind it.

Perhaps the aspect of the legislation that some might find cruel is that spouses and families of veterans who commit suicide are also ineligible for benefits. This provision is extraordinary. Senator LeBreton and her colleagues on the Standing Senate Committee on Social Affairs, Science and Technology who are conducting a thorough study into mental health in Canada have heard a lot of evidence that speaks to the mental health issues surrounding the tragedy of suicide. We must be concerned about the ineligibility that this legislation seems to imply regarding the benefits for one who commits suicide. We are interested in learning from the department and from the minister the public policy rationale for that particular measure.

The veterans community has been arguing the case for an ombudsman for veterans. This chamber has a fair amount of experience with the role, the nature and the function of an office such as ombudsman. The role of ombudsman is exercised to protect the individual — in this case it would be the veteran — from maladministration of public law.

From reading the reports of various ombudsmen in different settings, a lot of the maladministration and the victimization that the ombudsman's office serves to correct is unintentional. The case that has been made by the veterans community for an ombudsman for veterans is a strong one, and I would like to have seen that in this legislation, but it is not there. Our veterans deserve and require someone to look out for their interests when they believe that the bureaucratic apparatus is failing them.

An ombudsman, as they see it, can play a critically important role in monitoring contentious situations and aiding veterans who believe their voices are not being heard. It is a truism that they have sacrificed so much for their country. This is a small measure to make in return.

Honourable senators, it is clear that we support this bill. We would like to see the minister, officials and members of the veterans community appear before the committee that will be examining the bill so that we might proceed with our work. At this stage of the debate at second reading, I am pleased to support the bill.

**Hon. Serge Joyal:** Honourable senators, would the honourable Leader of the Opposition allow me to ask a question?

**Senator Kinsella:** Yes.

**Senator Joyal:** In my honourable friend's opening intervention, I was intrigued by the remark that Senator Dallaire would be well advised not to vote on the bill on the basis of a potential conflict of interest.

As Senator Kinsella knows, the Rules Committee has been meeting in camera. I believe he has attended many of the meetings. I was always under the impression that when a senator stands to benefit from a measure — in the present case, Bill C-45 — in a bill that applies broadly to a class of persons, such as veterans, the benefit is achieved through an act of Parliament, which is of course not a personal decision. In such a case, the measure would not be considered to further a senator's own interests.

Another example that immediately comes to mind is that of a senator who is a farmer or a fisherman and we have a bill in front of us purporting to improve fisheries or farming programs. The senator in question might be a beneficiary of the bill once adopted, but in no different capacity than any other farmer if he or she complies with the programs.

• (1620)

The question has merit and we may want to review it once the committee reports, but I was under the impression, when we discussed those issues earlier, that in that context the senator would not be deemed to be furthering his or her private interests and would be able to take part in debate or to vote. I think the committee tried to distinguish between declaring an interest, taking part in a debate, and a situation in which a bill would specifically favour a senator almost nominally.

Does Senator Kinsella agree with me that this is not the situation in which a senator who happens to be a veteran would find himself under this bill; in other words, that he would have to declare an interest and abstain from voting?

**Senator Kinsella:** Honourable senators, I thank the honourable senator for raising that question, because the record will now be a little clearer. Recently, we had before us legislation that affected benefits for lieutenant-governors, and this chamber often has the good fortune to have among its members former lieutenant-governors.

I agree with everything that the honourable senator has said. I know that, but the grand public does not know that. I raised this in the way that I did because of the admiration I have for our colleague. Someone may say, "Not only is Senator Dallaire a veteran, he is one of our most distinguished veterans. How can he be voting on that?" He clearly has every right to vote on it, for all the technical reasons that Senator Joyal has mentioned. However, to avoid that problem, I expressed it as a fraternal suggestion because some people are prone to say certain things about senators.

**Senator Prud'homme:** Let them.

**Senator Kinsella:** I agree with Senator Joyal.

**Hon. Norman K. Atkins:** Honourable senators, I assume that Senator Kinsella is aware that the military has an ombudsman. Does he think it might be more sensible to broaden the responsibility of the military ombudsman to include veterans rather than establishing another level of bureaucracy?

**Senator Kinsella:** I thank Senator Atkins for that question. Had the experience of the ombudsman's office in the Canadian Armed Forces been an exciting, positive one, I might be open to look for other responsibilities for the military ombudsman. However, as all honourable senators know, there have been difficulties there.

However, more substantively, the role of the veterans' ombudsman is speaking to that relationship between the veterans and the Government of Canada and the programs that have been voted by Parliament that are available to veterans. It is a whole different field, and they are dealing with fundamentally different issues. The armed forces ombudsman operates in a different theatre of issues. This would not be that costly, yet, as an office, it could be very effective. I think there should be a discrete ombudsman's office in Veterans Affairs.

**Hon. Joseph A. Day:** Honourable senators, I have a question for the honourable senator about the suggestion by the Armed Forces ombudsman himself that his role be expanded. Is the honourable senator aware that the Royal Canadian Legion strongly objected to the suggestion of an ombudsman, as the Legion feels that it performs that role?

**Senator Kinsella:** No, I am not, but I am glad to hear that the Legion agrees with my position.

**The Hon. the Speaker:** As no further senator is rising to speak, are honourable senators ready for the question?

**Hon. Senators:** Question!



**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

#### REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Dallaire, bill referred to the Standing Senate Committee on National Finance.

### NATIONAL BLOOD DONOR WEEK BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Lorna Milne** moved second reading of Bill S-29, respecting a National Blood Donor Week.—(*Honourable Senator Mercer*)

She said: Honourable senators, I am very pleased to rise today to speak to second reading of Bill S-29, an act respecting a national blood donor week. I am bringing forward this legislation on behalf of Senators Cochrane and Mercer, and several members of Parliament representing all political parties.

Earlier this year, Canada's two blood collection agencies, the Canadian Blood Services and Héma-Québec, approached parliamentarians asking for our support in bringing this issue to you. This bill would allow the federal government to designate the second week in June as National Blood Donor Week in order to support the year-long effort to recruit blood donors, the foundation of our national blood system.

The World Health Organization has declared the second Tuesday of every June as World Blood Donor Day, a day of celebration to honour and thank those people who donate blood on a voluntary basis. This bill will provide Canadians with an opportunity to join the WHO celebrations and thank those donors who contribute altruistically, without remuneration of any kind, to ensuring the health of their fellow Canadians.

• (1630)

I believe that honourable senators will agree that this is a cause worthy of the support of the Senate of Canada.

The new blood system operators, Héma-Québec and Canadian Blood Services, along with Health Canada — the regulator — and the provinces and territories — the funders — have collaborated to support a blood system that we can all be truly proud of, a system that is among the safest in the world.

This is a system that must continue to supply hospitals with blood, plasma, platelets, bone marrow and other products that are needed not only to keep people alive, but to improve their quality of life.

This is a system that must ensure that every unit collected undergoes extensive testing to ensure that it is as safe as it can possibly be for patients. This is a system that must remain at the forefront of advances in research and technology.

This is a system that is capable of facing safety threats quickly and effectively, such as implementing a test for West Nile virus within eight months of discovering that it could be transmitted by blood.

Honourable senators, the blood operators act on the basis that safety is paramount because they know the importance of each unit of blood. Each unit is manufactured into as many as three different products that are used in a variety of ways to treat patients: from those suffering with trauma, undergoing chemotherapy for cancer, hemophilia patients who require regular transfusions or those who are undergoing transplant surgeries. These are only a few of the reasons that the blood operators need our support.

Another reason is a little girl named Olivia. At three and a half years of age, she was diagnosed with cancer. Over the course of her chemotherapy and radiation treatment, she received 25 units of blood products. Without these products, she would not be the happy, healthy 11 year-old that she is today.

Another reason is Tom, who needs a blood transfusion every seven weeks to give him the red blood cells that his own body does not produce. There is no cure for this rare form of anemia from which he suffers. This means that he will continue to need these transfusions for the rest of his life.

What would he, or Olivia, do if others did not donate the blood that he so desperately needs?

These are just a few examples from across Canada about how the blood system has the potential to make a difference. I know there are thousands of other stories from across the country of people whose lives have been saved because of the efforts of caring people they have never met. These are Canada's blood donors, Canada's everyday heroes.

These stories speak on a very personal level about why we need a safe and secure blood system. That is why I am so pleased to have been asked by Senator Mercer today to speak to this all-party effort to support the designation of a National Blood Donor Week.

I would like to thank our colleagues, who also have agreed to work to ensure that this bill is passed as quickly as possible. Given the approach of World Blood Donor Day on June 14, I am heartened to believe that we can all come together for one common cause, a cause that will touch the lives of almost every Canadian at some point in their future.

On motion of Senator Stratton, debate adjourned.

### GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

#### PRIVATE BILL TO AMEND ACT OF INCORPORATION— THIRD READING

**Hon. Jeremiah S. Grafstein** moved third reading of Bill S-25, to amend the Act of incorporation of The General Synod of the Anglican Church of Canada.

He said: Honourable senators, Bill S-25 amends the original investment powers of the Anglican Church of Canada passed more than 50 years ago. The General Synod, the governing body of the Anglican Church of Canada, and its powers were defined in an act of parliament way back in 1921. Amended in 1951, the Synod was allowed to make investments subject to limitations in section 6A of that act. The church now wishes to amend this bill to remove investment restrictions, called the legal list, which was commonly used in legislation at the time of the act in 1951, when there was no inflation and when the rate of return was very small and provided adequate income for the beneficiaries of the trust.

This concept has been almost universally replaced in Canada by what we call the prudent investor rule. That rule allows investments in any kind of property in which a prudent investor might invest. When the Parliament of Canada revised the laws governing financial institutions in 1991, it included in the Bank Act, the Insurance Companies Act and the Trust and Loan Companies Act the authority for investment policies that a reasonable prudent investor would employ to avoid undue risk and to obtain a reasonable return. The Province of Ontario adopted a prudent investor rule, as recommended by the Uniform Law Conference of Canada and the Ontario Trustee Act of 1990.

However, the Anglican Church of Canada is still governed by the old legal list. A change in its act of incorporation is now required for investments in accordance with modern rules respecting these trust investments.

The amended section 6A reads:

The Synod may also invest and reinvest any of its funds, including any funds held in trust, in such investments as the Synod considers advisable.

Honourable senators may recall that several years ago the Senate studied Bill S-15, to incorporate the Bishop of the Arctic of the Church of England in Canada, sponsored by Senator Meighen on the other side. This bill dealt with the limited investment powers of the Anglican Church's diocese of the Arctic. This chamber accepted the same amendment now proposed by the General Synod for this bill.

Honourable senators, I ask you to enable the General Synod of the Anglican Church to invest its monies according to modern regulations.

I want to thank Senator Plamondon for having proposed an observation that was included in our report. For greater certainty, the Standing Senate Committee on Banking, Trade and Commerce noted that the prudent investor rule should and would be followed by making investments on behalf of the church. As honourable senators know, the Trustee Act that governs it does have the prudent investor rule. We want to make sure that those investing on behalf of the church invest safely and soundly on behalf of the church, as was suggested in the committee.

Hopefully, in the future, we will adopt a bill similar to Bill S-30, to amend the Canada Corporations Act, introduced by our colleague Senator Atkins, which died in committee, so that such

amendments would be made pursuant to the non-profit corporation provisions under the Canada Corporations Act and no longer take the time of this chamber for these kinds of amendments.

Honourable senators, I urge your support for Bill S-25.

**The Hon. the Speaker:** I see no honourable senators rising to speak. I ask honourable senators if they are ready for the question.

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees), presented in the Senate on May 5, 2005.—(*Honourable Senator Furey*)

**Hon. George J. Furey** moved the adoption of the report.

Motion agreed to and report adopted.

• (1640)

[*Translation*]

## REBUILDING OF SOUTHEAST ASIA AFTER TSUNAMI

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Milne calling the attention of the Senate to her recent visit to Indonesia and to Canada's efforts to help rebuild Southeast Asia after the tragic tsunami of December 26, 2004.—(*Honourable Senator Plamondon*)

**Hon. Madeleine Plamondon:** Honourable senators, I recently visited Indonesia at the invitation of His Honour Speaker Hays. The visit served to recognize the significant progress Indonesia has made in terms of democracy. Its objectives were to highlight Canada's long-term commitment, following the tsunami, to promote friendship and dialogue with members of the Indonesian government, to recognize progress in the development of democracy in a pluralistic society, to support the efforts of the current government to respect human rights, to promote essential dialogue with moderate Islamic communities, to promote co-operation in the fight against terrorism and to encourage the passage of laws and regulations protecting and promoting trade and investment.



Honourable senators, Senator Lorna Milne has spoken eloquently and at length of Indonesia's geopolitical profile and of the delegation's visit. I will not repeat what she has said, which I fully agree with and which included all the statistics.

I would like to share a few impressions and concerns with you. I want to mention corruption, the desolation in connection with the unprecedented tsunami disaster, solidarity in the face of insecurity and the poverty, which could serve as a springboard for terrorism.

In terms of addressing the corruption, the government must continue its efforts for at least ten years in order to deal with the situation Indonesians are in. An American married to an Indonesian woman wanted to bring their babysitter on a trip to the United States. The trip was planned, but the babysitter did not have any identification. No problem, I was told, with \$50 U.S. you can get a passport, identification and anything you need to get from Indonesia to the United States, and it will only take a week.

A Canadian I met in my travels said that it was even a handicap not to give bribes since others do it and get contracts that way. Will the new democracy ensure that everyone doing business in Indonesia is on equal footing?

I would like to speak about the desolation affecting the residents of Aceh. In reference to a 13,000 tonne ship beached by the wave two kilometres from shore, in the middle of grounds that have been cleared but are still quite scarred, an Indonesian said to me: "This is nothing compared to the day after the tsunami. Bodies were hanging from the ship you see there and bodies were intermingled with debris for as far as the eye could see."

Many children are among the victims. The first wave withdrew quickly and, according to one of the locals, the children ran around gathering beached fish, only to be swept away by the second wave.

I spoke with a member of the Islamic university who was in Jakarta on December 26 for the delegation's presentation of a cheque for \$50,000. His family was supposed to meet him at the Aceh airport. When he arrived in Aceh, he had lost his wife, his children and his home. None of his family members were ever found. Their bodies have been claimed by the sea, like countless others.

I could not help but cry during a meeting when the statistics were reported because those statistics had faces, thousands of faces.

Indonesians should be commended for their spirit of solidarity. Many survivors were taken in by distant relatives, and thus received essential emotional support that many others will not.

Rebuilding communities will not be difficult, rebuilding lives will be. Global solidarity and the agencies, with limited resources, have managed to avoid an epidemic that could have claimed as many victims as the tsunami. They deserve our admiration and recognition.

[ Senator Plamondon ]

I watched a clown make children laugh with his pantomime, children who desperately needed to laugh. In temperatures of over 30 degrees, groups provided drinking water and food rations. The salt water from the second wave covered a region that will remain arid unless it is treated; the same is true of the wells, which were contaminated by salt water from the ocean.

I briefly helped with the distribution of food supplies. Green plastic bags were the only containers in which to distribute oil, rice and canned fish. Everything was counted and people line up under an unrelenting sun to get their rations. What will happen when these organizations leave and the world loses interest in this region?

The threat of terrorism is omnipresent. Each time cars enter the hotel grounds, they are swept for mines. Before you can enter the hotel lobby, you are subject to the same security measures as at an airport.

In Indonesia, half the country lives in extreme poverty, on less than two dollars a day. As a result of the tsunami, all aid is destined for Aceh. The images in the news have struck a chord and donations for Aceh have poured in. But poor Indonesians in the rest of the country are seeing all this aid that they cannot access. No doubt, they will see this as an injustice. This might be a breeding ground for terrorism.

Even if, as is reported, there are only 2,000 terrorists out of a population of 238 million, it is not easy to secure an archipelago of 18,000 islands. It would be easy to mobilize people who are starving, who cannot see the light at the end of the tunnel, when a small group is the recipient of well-targeted aid efforts.

Fortunately, Canada has made a long-term commitment. It must ensure its full participation in order to reduce poverty, and not just in regions affected by the tsunami, because not only is it the charitable thing to do but it also counters terrorism.

On motion of Senator Robichaud, debate adjourned.

## THE SENATE

### MOTION TO URGE GOVERNMENT TO REDUCE CERTAIN REVENUES AND TARGET PORTION OF GOODS AND SERVICES TAX REVENUE FOR DEBT REDUCTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella seconded by the Honourable Senator Stratton:

That the Senate urge the government to reduce personal income taxes for low and modest income earners;

That the Senate urge the government to stop overcharging Canadian employees and reduce Employment Insurance rates so that annual program revenues will no longer substantially exceed annual program expenditures;

That the Senate urge the government in each budget henceforth to target an amount for debt reduction of not less than 2/7 of the net revenue expected to be raised by the federal Goods and Services Tax; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, I have been informed that our honourable colleague, the Leader of the Government in the Senate, would like to speak to this motion by Senator Kinsella. I would ask that the debate be adjourned until the next sitting of the Senate.

On motion of Senator Robichaud, debate adjourned.

• (1650)

## CONFERENCE OF WOMEN'S RIGHTS

### INQUIRY—DEBATE ADJOURNED

**Hon. Rose-Marie Losier-Cool** rose pursuant to notice of April 21, 2005:

That she will call the attention of the Senate to the Millennium Development Goals, more particularly to Goal number 3, seeking to promote gender equality and to empower women.

She said: Honourable senators, I would like to speak today about this fine project launched by close to 200 members of the United Nations at the time of adoption of the Millennium Declaration in 2000. There are eight developmental goals aimed at making it possible for the countries of the south to take their rightful place on the world stage. The following is a brief summary of the eight goals, which have a target date of 2015.

The first goal is to reduce by half the proportion of the world's population suffering from extreme poverty and hunger.

The second is to achieve universal primary education.

The third is to promote gender equality and empower women. The emphasis here is on equality of knowledge and power.

The fourth is to reduce by two-thirds the mortality rate among children under the age of five.

The fifth is to reduce by three-quarters the maternal mortality rate. Objectives four and five were the theme of World Health Day 2005 this past April 7. At that time, moreover, I pointed out the work that remains to be done in Canada for our own mothers and children.

The sixth goal is to halt and reverse the spread of HIV/AIDS, malaria and other major pandemics.

The seventh goal relates to sustainable development and reversing the loss of environmental resources, as well as reducing by half the proportion of people without access to safe drinking water and basic sanitation.

The eighth and final goal is the broadest, because its aim is to develop a global partnership for development based on many governance, multiculturalism and human rights criteria.

These eight goals are admirable, but there is no guarantee they will be reached by 2015, for a number of reasons. The most relevant one, as far as Canada's role is concerned, remains the fact that our country contributes less than 0.3 per cent of its GDP to international aid, when it should be contributing at least 0.7 per cent.

I would now like to talk to you more specifically about the third goal. Its aim is, primarily, to give girls and women equal access to knowledge and power.

In mid-April, I travelled to Paris, at the invitation of the French senate and the Mouvement français pour le planning familial, where I took part in a very informative conference on women's rights, sexual health and development. In addition to considering the benefits of better family planning, the conference looked at the link between women's rights and sustainable development; the need to empower women through education in order to control infant and maternal mortality; access for girls to education; and the importance of a good education in sexual and reproductive matters. As you have seen, these topics are included in the Millennium Development Goals.

The conference concluded with a very animated discussion of women's place in the labour market, given the many issues such as day care, professional equality, pay equity and the double life of working mothers. Social demographer Nathalie Bajos did an excellent job of summarizing the debate by saying that the main obstacle to the full realization of women's potential was their lack of access to knowledge and education, in short, the third millennium goal.

Permit me now to give you a quick international overview. The World Bank has a website on the Millennium Goals. I invite you to consult it.

On average, there are one fifth more boys than girls in the primary and secondary schools of the poorest countries. Girls enjoy equality with boys in Central America, Central and East Asia and in the Caribbean. However, girls are at a major disadvantage in all other developing countries.

[English]

Yet, knowing how to read and write allows those girls and the women they become to be self-sufficient, to deal directly with the authorities and people in power, and to acquire even more knowledge.

Literacy empowers women. It increases their productivity. It fosters equality between both sexes, and it allows better control over pregnancies and improved maternal health. Last, an educated mother will be a better mother to her children and will give them a better head start in life. At the going rate, however, objective number three will not be reached in 2015, because by then only 88 per cent of women aged 15 to 24 will know how to read and write.



Fortunately in Canada, our girls and boys are at least equal. I say "at least" because girls are actually more schooled than our boys if the 2003 indicators are to be believed. According to these indicators, 83 per cent of today's Canadian girls graduate from high school, compared to 73 per cent of our boys. As well, there are currently more women than men in university programs, in vocational or transition classes and in technical colleges and universities. This domination is also present in the number of new female graduates, who outnumber men in all provinces and at all levels, except for postgraduate studies.

Even when expanding the comparison base to today's Canadian population aged 25 to 64 years old, women still remain better educated overall, except when it comes to vocational training, where the number of male graduates is greater.

There is, however, one caveat to these feel-good statistics: immigrant women. Even though these women have more secondary and college schooling than male immigrants, they are outnumbered by these men in universities and in vocational programs.

[Translation]

Let us leave Canada know and talk about foreign countries, developing countries where women still have too little knowledge to be equal to men and to contribute to the social, economic, cultural or political life of their country.

According to the World Bank, women in developing countries, even if they participate in various sectors of the economy, do not carry enough weight in what is referred to as the monetary economy, where salaries are involved. In other words, women are working, but not earning salaries.

In addition, the people who have to work in a productive manner, but without freedom, equality or human dignity, are more often than not women. I am not talking about farming, but, rather, forced labour, borderline slavery like in those famous sweatshops, underpaid jobs or even prostitution.

Education and knowledge go a long way toward solving this inequality of women in these countries. I am not just talking about scholastic, academic or technical knowledge, but medical and sexual knowledge.

You will agree that there is little point in a woman getting a university degree if she has to spend the rest of her life pregnant, changing diapers, or if she has to die from complications related to pregnancy, in childbirth or from AIDS that her husband gave her by refusing to wear a condom.

To gain full access to knowledge, a woman must be able to enjoy full and constant control over her body. That is the role of sexual and reproductive education that all donor countries support financially and morally, with the exception of our neighbours to the south and certain Muslim countries.

What is the solution for giving women equal access to knowledge? The main solution, from a Canadian point of view, is international development assistance. It is essential that we think about and follow through on the minimum contribution of

0.7 per cent of GDP. The South needs our financial support for sending project officers, computer equipment, school books, clothing, food, condoms and drugs, among other things. In Canada, many NGOs are working to that end. These organizations coordinate everything with help from partners or the local population in the developing countries.

• (1700)

Our government is coordinating and financing projects. It wants to forgive the debt owed to it by the world's poorest countries. Internationally, there are prestigious organizations like the United Nations Population Fund, but these are expensive, very expensive. But for each of us individually, this represents just a few cents. It is all a matter of perspective.

Think about what a huge impact it would have on women in the South if our country and every other country considered developed or rich made a larger financial contribution. Imagine the influence these women could have on society, the economy and the politics of their countries once they got healthy and educated. Let us take a moment to really think about it.

I take this opportunity to say a word about political power. It represents the height of the empowerment objectives women might have. In early March, I led the Canadian delegation of the Inter-Parliamentary Union at a United Nations conference in New York City, where the progress made over the 10 years since the Beijing Conference on Women was reviewed. The Inter-Parliamentary Union focussed on the political role of women around the world. The statistics I will be quoting come from this conference.

I remind honourable senators that women make up 52 per cent of the world's population. But do we comprise 52 per cent of the world's political leaders? Of course not. Following a long battle, all countries, with the exception of three, have finally given women the right to vote and the right to run for office. Let us look at the results: in 2003, women accounted for a mere 15 per cent of the world's parliamentarians. However, some progress was made considering that, in 1987, they only accounted for 9 per cent. This means that if the trend continues, if we continue to have a 6 per cent increase every 15 years, we will have to wait until the year 2095 to have an equal number of women and men in office. I hope my great grandchildren will see this happen. Fortunately, in Canada we are further ahead, with women accounting for 21 per cent of our members of Parliament and 36 per cent of our senators.

How can we increase the percentage of women in the parliaments of southern nations? We keep coming back to the same three solutions: guaranteeing quotas of women among the candidates, setting aside a number of seats for women in the legislatures, and changing mentalities on both fronts. On a social level, men and women must come to understand and accept that women are equal to men.

In some countries, this fundamental change will take a long time. We must persevere. On the parliamentary level, the legislative assemblies must be made more attractive to women by ensuring that debates are less aggressive, that men show greater respect for their female colleagues and that there are better working conditions in terms of schedule and workload.

In the end, however, increasing the number of female parliamentarians is not the goal in and of itself, but rather a means. It is the means to allow these women to foster debate on social issues such as poverty, hunger, disease and infant or maternal mortality, among others. All these issues are mentioned in the Millennium Development Goals.

If Goal number 3, to promote gender equality and empower women, has been achieved, then logically the other seven goals should follow automatically. I strongly believe that women are the best way to foster international development and that they are the key to its success. That is my opinion. What do you think?

On motion of Senator Fraser, debate adjourned.

[English]

## PROVINCE OF ALBERTA

### INQUIRY—DEBATE ADJOURNED

**Hon. Grant Mitchell** rose pursuant to notice of May 3, 2005:

That he will call the attention of the Senate to the Province of Alberta and the role it plays in Canada.

He said: Honourable senators, I rise today with humility and gratitude to make my maiden speech in the Senate. I feel remarkably lucky to be here in the service of Canada and Alberta. This chamber is a special place in a very special institution of this country. I have always had a great sense of the worth and contribution of the Senate to Canada and what she will become ultimately. I see the commitment, dedication and hard work firsthand. I believe much more in the presence of the place of the Senate in this country. Having observed some honourable senators in committee and in this chamber, I realize that the bar is set very high for new members. I hope that I will be worthy of the gift that being a senator is, and live up to my responsibility to Canadians that is inherent with the honour.

As is tradition in the Alberta Legislature, the maiden speech generally addresses one's constituency. I am told that while that is not a hard and fast rule in the Senate, it would not be inappropriate to speak to one's region, which is Alberta for me. I would like to make some points about that wonderful place to senators today.

When I began to think about such a speech, I found myself reduced to platitudes because there are so many great things about Alberta that platitudes are appropriate in describing most of it. I will list some of them, which you might have heard. Certainly, you can imagine them and if you have been there, you will immediately agree that these things are true. Alberta is endowed with a great array of natural resources — energy, minerals, agriculture and forestry — all of which are tremendously important and powerful in the existence of the province. However, Alberta is also endowed with a remarkable people who are smart, who work hard, who are committed to their neighbours and to doing things for people other than themselves, and who are entrepreneurial and energetic. They not only focus on business, for which we are known, but also on community work and supporting others in our communities.

Honourable senators, take these elements together and the result is an outstanding economy, perhaps unprecedented. Alberta is one of the wealthiest places on the face of the earth. Its economy is driven by the standards of energy, agriculture, and mining, et cetera. Its economy is also progressively diversified in its development of a greater base in manufacturing, innovation and technologies. Alberta is not only an economic presence today but is also on the cutting edge of the future economically.

It is not as though Albertans have squandered this great wealth and good fortune. Alberta has a tremendous commitment to multiculturalism, the arts and education where much good is accomplished not only for Alberta but also for Canada. Alberta has contributed tremendously to this country in many ways. It certainly has made its contributions through the equalization program. Many of us are proud that Alberta has been able to do that.

All of this happens in a place of unparalleled beauty. If you have seen the mountains, the rivers, the plains and the communities, you know that Alberta is a beautiful place to be. It is a beautiful place to visit, and it is a beautiful place in which to live and raise your children. I have had the good fortune of being able to do that.

• (1710)

In many respects, Albertans are a blessed people in a way unparalleled in the world. Alberta has had this excess in the past and it only promises to be greater in the future. Alberta is perhaps the only democracy in the world with significant world-class energy resources. It is an area that has the resources of the Middle East but is also a democracy. Imagine what that can mean in a world restructured as it has been since 9/11. Imagine what that means for the future of Alberta and Canada economically. Canada needs Alberta. I would argue that Alberta needs Canada as well.

That is not to say there is no room for improvement. Certainly, there is. We have had a generally conservative approach to public policy, which means that there is room for improvement in social programs, in our commitment to education and to public health care, as opposed to private health care. However, for all intents and purposes, for most Albertans, our province is, in fact, a utopia; a place that is remarkable in history and remarkable on the face of the earth. Anyone who lives there is extremely fortunate.

Unfortunately, that view and that vision of Alberta is not always what the rest of Canada hears. In fact, often the message that Canadians hear from the political leadership in Alberta's government and in the opposition in the other place is a message that Albertans are discontented with Canada. The perception exists that somehow Albertans are unhappy with being in this country, and that there are those who would argue that they could do better without the rest of this country. I believe you can capture that sentiment in something called "alienation politics," or "firewall politics." I am here as an Albertan to tell you that I am very tired of alienation politics and of firewall politics. I believe that Canada deserves far better.



Alienation politics are used for narrow and often selfish, cheap political gains and they diminish the leadership role that Alberta can, and does, play in the rest of this country. Politicians can utilize those politics without appreciating the impact they can have on the strength and the unity of this great country.

Alienation politics are defined in a number of standard, stock issues. We hear them all the time coming from various parts of this country. I will go through a number of those issues, which are particularly significant to me, and argue that in fact there is another side to the story of alienation politics. There are Canadians in Alberta. Many Albertans believe passionately in this country, and they disagree with the standard and the stock issues that you see in alienation politics.

These I categorize in three different areas: First, a discontent with Canada's institutions of democracy; second, a discontent with the Charter of Rights; and third, generally an ambivalence about Alberta's place in Canada and an ambivalence about Quebec remaining in this country.

Senate reform is a sensitive issue because there is a great desire for Senate reform in Alberta. I believe there is room for Senate reform. The point I want to make is twofold: One, the Senate has made a tremendous contribution, as I said earlier, to this country. It does play a role in representing minority regional rights in sober second thought. Precipitous Senate reform may exacerbate the very problem that Senate reform would be designed to fix. If we begin to elect senators piecemeal, we will find that the Senate will begin to be in a position to exercise tremendous power.

As we all know, the Senate has tremendous powers. We can hamstring almost anything that the other place would determine to do. Those powers have been muted because senators have understood that they are not elected and therefore have utilized discretion in the exercise of those powers.

Were senators to become elected, I believe that that could change and you could begin to entrench powers that would not ameliorate but in fact worsen the very issues that people are concerned about with respect to regional imbalance. If we begin to elect before we have equal regional representation, you will not get that other feather. Once you have elected politicians in these places, it would be much more difficult to change the numbers and to change the powers.

A second area often raised as a criticism of this country is our judicial institutions. We hear the refrain "judge-made law." I believe Canada's judicial institutions are the envy of the world. They are some of the fairest and most just judicial institutions to be found worldwide. We are also extremely fortunate to have the top legal minds in the world in our courts and administering our justice system. I do not want to hear much more about judge-made law. I believe that is an excuse for saying, "We are not getting the answers that we personally want, so perhaps we can tinker and change something in order to get the answers we want." The irony is that the very people who are saying, "We don't want judges to make laws," are actually politicizing the judiciary by virtue of the fact that they make that claim against judge-made law.

Finally, there is criticism of our parliamentary institutions. There are those who argue that Parliament is dysfunctional, and that somehow the system in the United States might be better. I want to remind honourable senators that the parliamentary system is one of the most successful — if not the most successful — form of government in the history of the world. It has lasted longer than any other form of government in existence today. It has been so successful because it reflects a number of important features of the human condition. Citizens must have a chance to express dissent. They must know that dissenting views are given a proper voice. The parliamentary process institutionalizes that through its opposition structure.

To be successful, a system of government must also have ways of building consensus. Consensus is Parliament's second name. We have caucuses that build consensus. We have debates in chambers like these that build consensus. We have committees that debate and build consensus. Although these are often discredited, we have political parties that build consensus.

Part of our system is the political party system, and it is a very important part of our parliamentary process because it allows for varied ideas to be entered into the system. It allows for us to package complex political ideas so that people can make choices and decisions about them. Some say parties limit what representatives can do and that somehow an elected representative is told what to do by their leader. I was a leader of a caucus, and I worked under two other leaders of an elected caucus. It is ultimately very difficult for a leader to tell any elected representative what to do. That elected representative can leave the caucus at any time if they believe they need to stand up for something. The irony is that when they do, and they subsequently run as independents, they do not get re-elected, which says something about Canadians' commitment to political parties.

• (1720)

Another area of alienation in politics is the Charter of Rights. We have seen that document criticized in so many different ways at so many different times. Most recently in Alberta, it has been criticized in the context of gay marriage, and invoking the notwithstanding clause has been raised on a number of occasions.

As an aside, I can only imagine what it must be like to be 16 years old and gay in a context like that. To feel that you are so different and so outside the mainstream must be devastating for those young people.

However, the views of Albertans on gay marriage are not monolithic. I see another view. It is absolutely an issue of values. I know that both sides hold important values genuinely and with great passion. On the one hand, there are those who are opposed to gay marriage who say that traditional marriage is marriage between a man and a woman, and that is obviously a legitimately and strongly-held view. However, there are other values that are at least equally strong. One is: Should all Canadians not be considered equal under the law?

**The Hon. the Speaker *pro tempore*:** Senator Mitchell, your time has expired. Are you asking for leave to continue?

**Senator Mitchell:** Yes. May I have a few more minutes?

**Hon. Senators:** Agreed.

**Senator Mitchell:** Thank you, honourable senators.

On the other hand, there is the value of all Canadians being equal under the law, there is the value that marriage is the realization of love in a lifetime commitment, and there is the value that government should intervene as little as possible in people's lives, particularly in their personal lives.

I ask rhetorically: Why should one of those values trump another of those values? I think you can have both of that in some contexts. In the church context, churches are worried that they will be forced to marry people whom they do not believe they should marry. The churches will not be forced to do that. If they were to be forced to do that, long ago the Catholic Church would have been forced to ordain women priests. That is not the case and will not happen. On the other hand, the church is quite happy to have individuals told who they can and cannot marry, and I see a fundamental contradiction there. I believe that gay marriage is the correct path to follow, and I believe that the legislation currently in the other place should be passed.

The third category is the view of Quebec. There are those leaders who, although they may not always express it explicitly, are ambivalent about this country staying together and about Quebec's place in this country. I want to address that very strongly. I believe that Quebec makes this country special. It makes us different from the United States of America, and it makes us emphasize culture in a way that very few countries do. Because of the importance that the presence of Quebec has placed on culture and language, we have become multicultural. There are very few places in the world where you can enjoy the benefits of your cultural heritage in the way that we do in Canada. If you agree with me that culture is an essential element of a human being's soul, you will agree that Quebec is a tremendous gift to the people of this country.

The Clarity Act outlined to Quebec what they could expect if they were to separate, and I think that was right. What is not addressed enough for the rest of the country, and for Quebecers, is what will happen to what is left of this country if Quebec were to leave. It will not just be 90 per cent of what it used to be. Can you imagine what would happen to the dollar? I expect that it would plummet. Can you imagine what would happen to capital markets in the face of the uncertainty of this kind of restructuring? I expect that they would plummet. Can you imagine what would happen to stock markets in general, which abhor uncertainty? It would not be a pleasant economy if Quebec were to leave.

However, that is only money, and that is only marginally important compared to the real thing that we would lose. I believe that we would lose a great portion of our very spirit. Canadians are a special people, and that is in part because of our great traditions, the breadth of this country, and all the things that this country has encountered. If we lose a part of our country that is as important as Quebec, we will lose a very important element of our souls. I believe that many of us will have a hole in our hearts as large as Quebec.

About 31 years ago, when I was a young man, I came to Parliament Hill for a meeting. It was a crisp, clear and beautiful winter night. I saw this building and the Peace Tower. I will never forget the impression it left with me. The pure, the clean, the goodness of this country was reflected in the power of this building and that setting that night.

To this day, I believe that Canada is an exceptionally good place, that it is a beacon for people around the world. People emulate and admire us for the way in which we treat other people, the way that we have blended minority and collective rights, the way that we have elevated culture and multiculturalism, the way that we are decent and dignified, and the way that we have created a judiciary premised upon fairness and justice.

Why would anyone want to jeopardize this? This is no time for ambivalence or uncertainty about this country. This is a time for passionate belief and defence of this country. I believe that Canada needs to be nurtured and protected by all of those who understand the remarkable gift that this country is to us Canadians and to the rest of the world.

On motion of Senator Robichaud, for Senator Prud'homme, debate adjourned.

## FOREIGN AFFAIRS

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Peter A. Stollery:** Honourable senators, could I have the indulgence of the Senate to allow the Foreign Affairs Committee to sit? Our witnesses and committee members are waiting. If the Senate would allow us, we could have our meeting on the record. I ask the indulgence of the Senate.

**The Hon. the Speaker *pro tempore*:** Is that agreed, honourable senators?

**Hon. Senators:** Agreed.

## INTER-PARLIAMENTARY UNION

### INQUIRY—DEBATE ADJOURNED

**Hon. Joan Fraser** rose pursuant to notice of May 4, 2005:

That she will call the attention of the Senate to the work of the IPU.

[Translation]

She said: Honourable senators, I want to take a few moments to talk to you about an organization that we have all heard of, but about which many of us know very little; I am referring to the Inter-Parliamentary Union.

[English]

The Inter-Parliamentary Union is the world organization of parliaments, the world's oldest and largest interparliamentary organization. It has existed since 1988, and we now have



140 member countries around the world. This list does not include the United States, which is a great pity — we continue to try to persuade them to come back — but it does allow Canada to play a greater role than might otherwise be the case.

I know many of you will remember the old slur that the IPU is a great travel club but not much else. It certainly does require you to travel because its member countries are all over the world and they all want to have the honour of hosting an IPU conference. Apart from the annual sessions in Geneva, where the headquarters are, recent conference sites have ranged from Havana to Marrakesh to Manila. Next year it will be Nairobi. Other interparliamentary groups have widely dispersed members as well.

What is unique about the IPU is that its members do not belong to any one political or geographic club, like the Commonwealth or the Latin American region, each of which has its own very valuable parliamentary organization.

• (1730)

In those groups, there is a shared bond of experience and there are shared interests. The only thing that IPU members all have in common is the single supreme fact that they all have a functioning parliament. When we meet, we have to learn to know and work with people whose entire experience is different from ours, people who have entirely different sets of needs and priorities. It is the most enriching experience imaginable.

It also enables the IPU to provide a forum for peace-building. For example, for some years now the IPU has provided a forum for senior Israeli and Palestinian parliamentarians to meet for private discussions and negotiations. It is through the IPU that the new Parliamentary Assembly of the Mediterranean has been set up.

Given the IPU's global character, it is no accident that the union has focused in recent years on deepening its relations with the United Nations. As many of you know, we have observer status at the UN, which is very rare and difficult to achieve, and much of our work is designed to complement or feed into UN activities. At our semi-annual conferences, our debates are frequently related to matters that are before the UN, and IPU documents and other resolutions are circulated there.

The IPU also has and uses the right to speak at UN meetings. It maintains an office in New York and holds an annual parliamentarians' session at the UN.

It also works closely with the UN in many fields. Some of you will be aware of the Second World Conference of Speakers of Parliaments, which will be held next September in New York and where I believe our own Speaker will be present. Few of us know about other joint IPU activities.

For example, joint projects with the UN Development Programme help to strengthen parliaments in many post-conflict situations, from Timor-Leste to Afghanistan and soon Iraq. In conjunction with UN AIDS, funding is now being sought for a new committee based at IPU headquarters to strengthen

parliamentary capacity to deal with AIDS. Conferences on refugees have recently been organized in Spain and Africa in conjunction with the United Nations High Commissioner for Refugees, UNHCR. A major effort is under way with the UN Institute for Training and Research to strengthen parliamentary capacity worldwide.

Together with various UN agencies, the IPU also produces a wide range of handbooks for parliamentarians. Recent topics include human rights, child protection, United Nations Educational, Scientific and Cultural Organization, UNESCO, and the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW, and gender-sensitive budgeting. Now under way are an update of the handbook on international law and practice for the conduct of free and fair elections, and a major project to develop democracy indicators.

The IPU organizes regional meetings for parliamentarians on topics ranging from conflict resolution to the rights of Aboriginal peoples. It organizes meetings of parliamentarians to provide input to major international meetings of such bodies as United Nations Conference on Trade and Development, UNCTAD. It has recently provided observers for the Palestinian elections and, on very short notice, for the overseas component of the Iraqi election.

The UN is not the only body with which the IPU works closely. For example, the IPU and the European Parliament have worked together to hold parliamentary conferences to provide a much needed parliamentary input to the meetings of the World Trade Organization, WTO. The IPU and the European Commission are engaged in a massive democracy project to build the capacity of Nigeria's federal and state legislatures. With the Geneva Centre for the Democratic Control of Armed Forces, the IPU has published a handbook on parliamentary oversight of the security section, which interests us all.

You will have gathered from all this that human rights are a core concern for the IPU. Nowhere is that more evident than in the tireless work of its Committee on the Human Rights of Parliamentarians, on which Senator Carstairs sits. That committee bears a very heavy caseload. Its work is remarkable, and its reports are essential reading for anyone who cares about these matters. I refer you notably to the devastating report the committee released last year on the state of parliamentarians in Zimbabwe.

However, it is not just a question of giving reports. The committee also has an effect. For example, last year it prodded the Indonesian and Mongolian parliaments into acting in the case of two parliamentarians who had been murdered.

Another valuable body is the Association of Secretaries General of Parliaments, which brings together table officers and other parliamentary staff to strengthen their expertise. Our own table officers can tell you how useful those meetings are.

There is much more. However, in the short time remaining, I would like to focus on the IPU's efforts to advance the rights of women. The IPU was, like most political organizations, fairly slow to give priority to women's issues. The first woman member

of the executive committee was elected in 1987, but we have more than made up for lost time. Today, women play a greater role in the organization than, to my knowledge, they do in any other interparliamentary group.

There is a day-long meeting of women parliamentarians before the main IPU assembly each spring, which brings together women from all continents who feed the results of their work back into the deliberations of their respective geopolitical groups. At the meeting, women also discuss themes being debated by the assembly and the discussion feeds into or proposes amendments to resolutions.

A coordinating committee of women parliamentarians meets at both the spring and fall assemblies, plans the spring meeting and provides input into key positions such as the drafters of reports and resolutions. This committee also organizes male and female dialogue sessions at the assemblies on topics of particular concern to women. These sessions, which showcase top experts from around the world, are among the most stimulating events at the conferences.

I must stress that women are not just a side event. The president of the coordinating committee is an *ex officio* member of the IPU's executive committee. In addition, the gender partnership group, which is a subcommittee of the executive committee, acts on a regular basis in connection with women's issues. That was the group that brought forward a revolutionary change to increase the number of women parliamentarians who participate in the union at all levels in the year 2003.

That was when the IPU's rules were changed to penalize countries that, for three successive sessions, send single-sex delegations to the assembly. At the third assembly, their allowable delegation is reduced by one person, and they lose two out of their 10 basic votes. In addition, three of the 15 members of the executive committee, in addition to the president of the coordinating committee, must be women. Countries that exclude women from voting or standing for election are not eligible for membership on the executive committee. The results have been striking.

Five and a half years ago at the Berlin conference in the fall of 1999, 27 per cent of the participating countries sent all-male delegations. Last month in Manila, that proportion had fallen to 10 per cent, and 27 per cent of the delegates were women. The gender partnership has established the practice of holding meetings with countries that still consistently send single-sex delegations. Those can be very interesting meetings indeed.

Within the IPU, there is a small women's division that works closely with the UN and with parliaments. For example, as Senator Losier-Cool reminded us, it held a special meeting of parliamentarians in New York this spring, which I was actually privileged to chair, as part of the Beijing Plus 10 anniversary proceedings.

The women's division compiles data about the situation of women in parliaments. It is, in fact, the source for these data. Nobody else does this in the way we do. It organizes regional seminars for parliamentarians on topics such as gender-based analysis and female genital mutilation.

The division works closely with UNICEF, and a series of projects are planned on a range of issues, from child trafficking to child-friendly budgets. The IPU is also working to establish a specialized committee to follow child protection issues and function as a focal point or liaison between the IPU, UNICEF and other UN agencies.

What is, in some ways, the most striking thing of all is that the IPU does all this on a miniscule budget — about \$10 million Canadian a year, plus about \$1 million more from other sources, such as the European Commission.

In this context, I want to mention that one of the most creative ideas in years has come from our colleague Senator Oliver, who is Vice-President of the IPU's Canadian group. He is spearheading a drive to create a global foundation for democracy to provide significant stable new funding for the union's work. In this, Senator Oliver is upholding Canada's long tradition of playing a significant role within the IPU.

Many of you know about the years of work that Senator Prud'homme has devoted to the union. Among our former colleagues, let me mention Senator Peter Bosa, the long-time head of the Canadian group; Senator Joan Neiman, who helped to found the human rights committee; and Senator Sheila Finestone, who was a founding mother of the Meeting of Women Parliamentarians. I have already mentioned Senator Carstairs' role in the human rights committee.

I myself have the honour to be the current president of the Women's Coordinating Committee, which means I am on the executive committee. In case you think that senators do all the work, let me say that in Manila, our colleague from the other place, Paddy Torsney, was chosen to be the next chair of the Twelve Plus geopolitical group, which is universally acknowledged to be the most influential such group within the IPU, and which Senator Bosa also chaired at one time.

• (1740)

Honourable senators, I hope that this very brief sketch of the IPU's work has helped to kill whatever was left of that old line about the IPU being just a travel club. It is, in fact, an organization where you have to be prepared to work very hard if you want to belong. It is also an organization that offers incredible opportunities to learn and to contribute, one to which Canada can be proud to belong.

On motion of Senator Robichaud, for Senator Prud'homme, debate adjourned.

## BANKING, TRADE AND COMMERCE

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Jeremiah S. Grafstein**, pursuant to notice of May 5, 2005, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to sit at 3:30 p.m., on Wednesday, May 11, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.



[Translation]

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, I normally ask a question at this time when such a motion is presented in order to learn the reason behind the motion before us.

[English]

**Senator Grafstein:** Honourable senators, tomorrow we are commencing a unique experiment in Senate hearings by having a two-day round table to hear experts on productivity and competition. This is as a result of a unanimous recommendation of the committee. In order to facilitate that configuration, we need extra time. We have been crushed for time because we are bringing experts Wednesday and Thursday. We will have 15 or 20 of them. To cram them all in during the two-hour time frames on Wednesday afternoon and Thursday morning is impossible. We need at least another half an hour.

Our problem is that we sit from 4:00 to 6:00. Our colleagues on the other side are pressed to go to other committees. At 6 o'clock sharp, we have to vacate our room. The only way to

accommodate this and do it on a cost-effective basis is ask the indulgence of the Senate for this session.

I would like to advise senators that this will be the first time we will be experimenting with public participation in the round tables. We will be on the Internet, and we will allow the public to participate as they hear the evidence. The evidence will be on television. That will be tape-delayed. It will be on the Internet live, and the Canadian audience will be asked to participate directly. All the information that we get, the reactions to the experts' information, will be culled by the committee and will form part of our final recommendation. We are trying something new. It is cost-effective, honourable senators. This will all cost us about \$6,000 in total. We need your assistance for this extra half hour.

**Senator Robichaud:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Wednesday, May 11, 2005, at 1:30 p.m.

# CONTENTS

Tuesday, May 10, 2005

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Official Languages</b>	
<b>Holocaust Memorial Day</b>		Notice of Motion to Authorize the Committee to Meet During Adjournment of the Senate.	
Hon. Jeremiah S. Grafstein .....	1190	Hon. Eymard G. Corbin .....	1194
<b>Canada-United States Relations</b>		<b>QUESTION PERIOD</b>	
<b>North Dakota—Devil's Lake Diversion.</b>		<b>Finance</b>	
Hon. Janis G. Johnson .....	1190	Budget Implementation Bill, 2004, No. 2—	
<b>Rebuilding of Southeast Asia after Tsunami</b>		Clarification of General Anti-avoidance Rule.	
Hon. Lorna Milne .....	1191	Hon. Serge Joyal .....	1194
<b>Racial Discrimination</b>		Hon. Jack Austin .....	1195
<b>Quebec Human Rights Tribunal—</b>		Hon. Noël A. Kinsella .....	1195
<b>Centre Maraîcher Eugène Guinois.</b>		<b>Delayed Answers to Oral Questions</b>	
Hon. Donald H. Oliver .....	1191	Hon. Fernand Robichaud .....	
<b>Yukon</b>		1195	
<b>Contribution to World War II.</b>		<b>Finance</b>	
Hon. Ione Christensen .....	1192	Budget 2005—Renewal of Canada-community Agreements.	
<b>Soviet Occupation of European Countries</b>		Question by Senator Nolin.	
Hon. A. Raynell Andreychuk .....	1192	Hon. Fernand Robichaud (Delayed Answer) .....	
		1196	
<b>ROUTINE PROCEEDINGS</b>		<b>Health</b>	
<b>Treaties Entered Into Force in 2002, 2003 and 2004</b>		Availability of Heart Medication Inderal LA.	
Tabled.		Question by Senator Keon.	
Hon. Fernand Robichaud .....	1192	Hon. Fernand Robichaud (Delayed Answer) .....	
<b>Legal and Constitutional Affairs</b>		1196	
<b>Budget and Authority to Engage Services—Study on Including</b>		Meeting with United States Secretary of Health	
<b>in Legislation Non-derogation Clauses Relating to Aboriginal</b>		and Human Services—Sale of Prescription Drugs	
<b>Treaty Rights.</b>		Handling of Cox-2 Inhibitors.	
Hon. Lise Bacon .....	1192	Question by Senator Keon.	
<b>Budget and Authority to Engage Services—</b>		Hon. Fernand Robichaud (Delayed Answer) .....	
<b>Study on Bilingual Status of City of Ottawa.</b>		1196	
Hon. Lise Bacon .....	1193	Compensation to Hepatitis C Victims.	
<b>Study on Legal Issues Affecting On-reserve Matrimonial</b>		Question by Senator Keon.	
<b>Real Property on Breakdown of Marriage or Common Law</b>		Hon. Fernand Robichaud (Delayed Answer) .....	
<b>Relationship</b>		1197	
<b>Interim Report of the Standing Senate Committee</b>		<b>ORDERS OF THE DAY</b>	
<b>on Human Rights Tabled.</b>		<b>Budget Implementation Bill, 2004, No. 2 (Bill C-33)</b>	
Hon. A. Raynell Andreychuk .....	1193	Third Reading.	
<b>Canadian Forces Members and Veterans Re-establishment</b>		Hon. Wilfred P. Moore .....	
<b>and Compensation Bill (Bill C-45)</b>		1197	
First Reading.		Hon. W. David Angus .....	
Hon. Fernand Robichaud .....	1193	1199	
Hon. Noël A. Kinsella .....	1193	Hon. Joseph A. Day .....	
Hon. John Lynch-Staunton .....	1194	1200	
<b>Bankruptcy and Insolvency Act (Bill S-30)</b>		Hon. Anne C. Cools .....	
Bill to Amend—First Reading.		1201	
Hon. Michel Biron .....	1194	<b>Canadian Forces Members and Veterans Re-establishment</b>	
<b>Foreign Affairs</b>		<b>and Compensation Bill (Bill C-45)</b>	
Committee Authorized to Meet During Sitting of the Senate.		Second Reading.	
Hon. Peter A. Stollery .....	1194	Hon. Roméo Antonius Dallaire .....	
Hon. Marcel Prud'homme .....	1194	1202	
		Hon. John Lynch-Staunton .....	
		1204	
		Hon. Terry Stratton .....	
		1205	
		Hon. Madeleine Plamondon .....	
		1205	
		Hon. Marcel Prud'homme .....	
		1205	
		Hon. Noël A. Kinsella .....	
		1206	
		Hon. Serge Joyal .....	
		1207	
		Hon. Norman K. Atkins .....	
		1207	
		Hon. Joseph A. Day .....	
		1207	
		Referred to Committee .....	
		1208	
		<b>National Blood Donor Week Bill (Bill S-29)</b>	
		Second Reading—Debate Adjourned.	
		Hon. Lorna Milne .....	
		1208	
		<b>General Synod of the Anglican Church of Canada (Bill S-25)</b>	
		Private Bill to Amend Act of Incorporation—Third Reading.	
		Hon. Jeremiah S. Grafstein .....	
		1208	



	PAGE
<b>Internal Economy, Budgets and Administration</b>	
Tenth Report of Committee Adopted.	
Hon. George J. Furey . . . . .	1209
<b>Rebuilding of Southeast Asia after Tsunami</b>	
Inquiry—Debate Continued.	
Hon. Madeleine Plamondon . . . . .	1209
<b>The Senate</b>	
Motion to Urge Government to Reduce Certain Revenues and Target Portion of Goods and Services Tax Revenue for Debt Reduction—Debate Continued.	
Hon. Fernand Robichaud . . . . .	1211
<b>Conference of Women's Rights</b>	
Inquiry—Debate Adjourned.	
Hon. Rose-Marie Losier-Cool . . . . .	1211

	PAGE
<b>Province of Alberta</b>	
Inquiry—Debate Adjourned.	
Hon. Grant Mitchell . . . . .	1213
<b>Foreign Affairs</b>	
Committee Authorized to Meet During Sitting of the Senate.	
Hon. Peter A. Stollery . . . . .	1215
<b>Inter-Parliamentary Union</b>	
Inquiry—Debate Adjourned.	
Hon. Joan Fraser . . . . .	1215
<b>Banking, Trade and Commerce</b>	
Committee Authorized to Meet During Sitting of the Senate.	
Hon. Jeremiah S. Grafstein . . . . .	1217
Hon. Fernand Robichaud . . . . .	1218

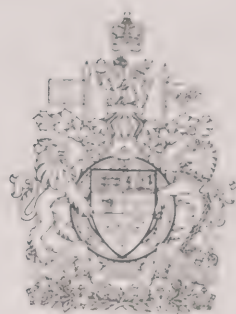






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CANADA

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OFFICIAL REPORT  
(HANSARD)

Wednesday, May 11, 2005

—◆—

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Wednesday, May 11, 2005

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to draw your attention to the presence in the gallery of 12 deputy ministers from the government of the Republic of Georgia, headed by Mr. Levan, Gamgebeli, Head of the Secretariat of the Head of the Administration, Administration of the President of Georgia. They are guests of the Honourable Senator Grafstein and they are here to learn from deputy ministers and departments of the Canadian government.

On behalf of all senators, I welcome you to the Senate of Canada.

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## SENATORS' STATEMENTS

### REPUBLIC OF GEORGIA

#### VISITING DELEGATION OF PUBLIC OFFICIALS

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I am delighted today to welcome to our chamber the deputy head of all of the departments of the Republic of Georgia, the head of the public service and chief of the administration of the president's office. I welcome them to Canada.

This is a unique visit. The members of the delegation are here for five days, to work with our deputy ministers and departments in order to gain what information they can about how a public service works in a democracy.

It was 10 years ago that I first visited Georgia and spoke to their Parliament about human rights. I am delighted and surprised that 10 years later there is a newly elected democratic government in Georgia, represented by a new public service dedicated to democracy and economic growth. I hope that we will foster close and great economic and democratic relationships with our sister republic in Georgia.

I wish to pay special tribute, honourable senators, to the Canadian Bureau for International Education and to the Georgian Foundation for Strategic and International Studies, two NGOs that came together to help advise and support our colleagues from Georgia to come to Canada.

Welcome to Canada. Welcome to the Senate. Welcome to democracy.

### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to draw your attention to the presence in the gallery of a parliamentary delegation from the state of Kuwait led by Mr. Basel Saad Al Rashed, member of Parliament and head of the delegation; Mr. Abdullah Youssef Al Roumi; Mr. Adel Abdelaziz Al Sarawi; and Mr. Ali Fahed Al Rashed. They are accompanied by His Excellency Dr. Musaed Rashed Al Haroun, Ambassador of Kuwait to Canada. They are the guests of the Honourable Senator Marcel Prud'homme.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

[Translation]

### THE LATE JEANNE-MANCE CHARLISH

**Hon. Madeleine Plamondon:** Honourable senators, with National Aboriginal Day coming up, I would like to take this opportunity to pay tribute to a great lady: Jeanne-Mance Charlish.

Ms. Charlish died in October 2004. She fought for the preservation of the Aboriginal way of life. Those who knew her testified to the cultural legacy she has left behind. She lived the life of the Innu people and knew everything one needed to know to live that life. She was a specialist in Aboriginal linguistics. She was a distinguished translator of several languages, including Algonquin, Navajo, and others which I would not know how to pronounce correctly.

• (1340)

The press release put out by the Coalition Ukauimau Aimu, which means "mothers of families speak," states that she helped many people of all backgrounds familiarize themselves with her language, its words and their true meaning.

She worked in collaboration with anthropologists from the world over. She was a poet, a storyteller, and an artist, always drawing inspiration from the depths of the forest on Innu land.

Dynamic and determined, Ms. Charlish primarily dedicated herself to the preservation and revitalization of the language. Maintaining the vitality of a language not only maintains a community's pride, it also enhances it. It increases its chances of being strong, thus contributing through exchanges to the development of other communities.

A different language is no barrier; it is an opportunity to become enriched by the culture of others. In any language, words, expressions and concepts have a soul of their own. Here, in the Senate, Aboriginal senators must be able to take part in the proceedings as equals with both francophones and anglophones.



Ms. Charlish worked tirelessly for the preservation of her culture. She felt the word "negotiation" should have existed back in 1534.

The tribute I want to pay her today would have made her uncomfortable, had she been alive. She was modest and never sought honours.

To talk about her life today also means asking ourselves what the words "language", "culture" and "people" mean to each of us and ensuring that our differences do not act as walls that isolate us one from the other, but rather as bridges that bring us closer to one another, in full mutual respect.

## SASKATCHEWAN

### CENTENNIAL CELEBRATIONS

**Hon. Lillian Eva Dyck:** Honourable senators, on May 19, Her Majesty Queen Elizabeth II and Prince Philip will be visiting the University of Saskatchewan.

[English]

As part of their trip to Saskatchewan in honour of our province's centennial, the royal couple will tour the Canadian Light Source synchrotron located on the University of Saskatchewan campus and will attend a reception hosted by the president of the university, Peter MacKinnon. The royal couple will also visit a school and attend Lieutenant-Governor Lynda Haverstock's centennial gala.

I would like to remind honourable senators of some of our history prior to 1905 from the First Nations perspective. In 1871, four years after the creation of the Dominion of Canada, the Canadian government negotiated the first of 11 numbered treaties in the West. The University of Saskatchewan, located in Saskatoon, is in the area covered by Treaty No. 6, signed in 1876. The Indian Act, also from 1876, provided a legal definition of who was an Indian.

Honourable senators, I am a member of the Gordon First Nation of Saskatchewan. My reserve is covered by Treaty No. 4, signed in 1874. My mother, Eva McNab, was sent to residential schools and was taught to be ashamed of her culture. In fact, she was taught to be ashamed of her own self.

On her marriage certificate she did not identify herself as an Indian, but instead she wrote "Scots." This was true to some extent because she did indeed have a Scottish grandfather who was a fur trader in the late 1800s.

I, too, was ashamed of being an Indian. I self-identified as being Chinese until 1981, when I obtained my Ph.D. With that degree, I thought that no one could look down on me anymore.

My father, Yok Leen Quan, was Chinese. He came to Canada in 1912, and he paid the head tax to do so. He had a wife and family in China in addition to his wife and family here. We were

told that because he refused to disown his Chinese family, especially his firstborn son, he was not able to become a Canadian citizen until 1956, 44 years after he arrived in Canada.

Because my mother married a non-Indian, she was automatically disenfranchised — that is, she was no longer considered to be an Indian person according to the Indian Act.

Until the passage of Bill C-31 in 1985, I could not be a status Indian and have treaty rights. Although Bill C-31 has allowed me to reclaim my Indian status, my son cannot do so. Only the first generation of children born to women who, like my mother, lost their Indian status can reclaim their Indian status. It is clear that Bill C-31 continues to discriminate against the families of women who lost their Indian status by marriage to non-Indians.

[Translation]

Honourable senators, in celebrating the centenary of the province of Saskatchewan —

[English]

— let us remember that the First Nations people of Saskatchewan, by entering into treaty agreements, allowed Saskatchewan to be settled and become home to non-First Nations peoples, and let us remember that gender equality for First Nations women has yet to be achieved under Canadian law.

[Translation]

## THE LATE HONOURABLE LOIS E. HOLE, O.C.

### POSTHUMOUS AWARD

**Hon. Claudette Tardif:** Honourable senators, on May 5, I had the privilege of attending a tribute dinner in Toronto organized by The Learning Partnership, a not-for-profit agency devoted to the advancement of public education in Canada. During the evening's ceremonies, a posthumous award was given to Lois Hole, the late Lieutenant-Governor of Alberta, who left us in January.

I had the pleasure of knowing Ms. Hole well and was honoured to be the one to receive the award on behalf of her family.

The educators of Canada chose this way of marking Ms. Hole's contribution to education throughout the country. In her twenty or so years as a school board member, and as chancellor of the University of Alberta, Lois Hole was a staunch supporter of public education. Promoting literacy was one of her priorities; she believed no one was too old to learn.

She was equally committed to children's rights, public health care, and the disadvantaged. As well, she was very actively involved in environmental protection and culture.

Ms. Hole had an unwavering faith in the advantages of bilingualism and was a staunch supporter of French immersion programs, the activities of Canadian Parents for French, and the work of Faculté Saint-Jean.

[English]

In accepting the award for Her Honour, the late Lois Hole, I was once again struck by the commitment and devotion this amazing woman had to the cause of public education. She was beloved by all the people of Alberta, regardless of class, race, religion or ideology. Testimony after testimony from teachers, librarians, politicians, businessmen and journalists all bore witness to the utter conviction that the Lieutenant-Governor had about the intrinsic value of knowledge and the transformative capacity of an education in the life of an individual and society.

She was a tireless advocate of literacy and gave countless hours of her own time to interact with children in schools and libraries across the province, even as Lieutenant-Governor. The smiles and hugs of Her Honour gave hope and encouragement to thousands upon thousands of Alberta students, from a struggling reader in grade six to a graduating university student.

Honourable senators, I leave you today with the words of Her Honour herself. She said:

The heart and soul of Alberta doesn't lie in the rich farmland, the majestic Rockies, the precious oil fields or bustling cities. As wondrous and important as those features may be, that heart resides in our people.

Honourable senators, no greater example can I find of the true heart of Alberta than in the life of the late Honourable Dr. Lois E. Hole.

[Translation]

This was my first speech in the Senate and I am very pleased to have devoted it to expressing my recognition and respect for this great lady with whom I shared a great attachment to education and to Alberta. Lois Hole will continue to be an ongoing source of inspiration to me, and to many of my fellow Albertans.

• (1350)

[English]

### MR. STEVE NASH

#### CONGRATULATIONS ON BECOMING MOST VALUABLE PLAYER OF NATIONAL BASKETBALL ASSOCIATION

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to pay tribute to the member of the basketball team who became the first Canadian in the history of the National Basketball Association to win the NBA's most valuable player award. Steve Nash led the NBA in assists this season, becoming the first league leader in assists to be named most valuable player since Magic Johnson won MVP in 1987.

Mr. Nash put his personal accomplishments aside and invited his Phoenix Sun teammates, with whom he achieved a league-leading record of 62 wins, to the podium when he accepted the award. Such a gesture can be described as nothing short of typically Canadian. Honourable senators know that this honour has been a long time in coming, not only because of Steve Nash's outstanding play but also because the game of basketball was

invented by a Canadian, James Naismith, from the friendly town of Almonte, Ontario. No doubt Mr. Naismith would be proud of his fellow countryman, as are we all.

Honourable senators, I am pleased to inform you that Mr. Nash and I have a few things in common. The first and most obvious is that we both call the beautiful province of British Columbia our home. Mr. Nash continues to support numerous community basketball programs in his hometown, hoping to inspire young Canadians to join him in achieving basketball's greatest honour. Second, we are both African-Canadians. Mr. Nash coming from South Africa at the age of four and I coming from Uganda at a slightly older age.

Honourable senators, I hope you will join me in extending our congratulations to an outstanding Canadian and an outstanding British Columbian athlete and in wishing him the best of luck as he and his Phoenix teammates take on his former team, the Dallas Mavericks in the NBA playoffs.

### CANADIAN ENGINEERING MEMORIAL FOUNDATION

**Hon. Mac Harb:** Honourable senators, on Friday, May 13, the Canadian Engineering Memorial Foundation will be awarding scholarships at the luncheon during the annual general meeting of the Canadian Council of Professional Engineers in Regina, Saskatchewan. The CEMF is committed to creating a country where engineering meets the needs and challenges of all Canadians by engaging the skills and talents of both men and women. The foundation is dedicated to attracting more women to the engineering profession so that they may contribute in a truly inclusive manner. As the Canadian Council of Professional Engineers noted in its latest enrolment report, in 2001 women accounted for 57 per cent of the total enrolment in Canadian undergraduate programs. Compare this with engineering programs where women accounted for under 20 per cent of registered students.

The CEMF is working to encourage women to enter the applied sciences and, in so doing, the foundation also honours the memory of the 14 women from École Polytechnique de Montréal, whose lives were so tragically cut short on December 6, 1989. Each year the Canadian Engineering Memorial Foundation awards scholarships to extraordinary women in engineering studies to assist and recognize them. Each year a truly remarkable group of young people, Canada's leaders of tomorrow, apply for these scholarships and only the very best of them are chosen. Funding for the foundation comes from the corporate sector and from thousands of individuals across Canada who share in the mission of the foundation. One of the key supporters of the CEMF is the Canadian Council of Professional Engineers, the national organization of the provincial and territorial bodies that license Canada's 160,000 professional engineers.

I call on honourable senators to join me in offering our congratulations to this year's winners of the CEMF Scholarship Awards. I want to congratulate the foundation for investing in the education of young Canadian women, instilling in them the value of pursuing a profession in engineering and promoting engineering as a choice for all young people, regardless of gender.



## ROUTINE PROCEEDINGS

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### THIRD REPORT OF COMMITTEE TABLED

**Hon. David P. Smith:** Honourable senators, I have the honour to table the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which deals with the conflict of interest code for senators.

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Smith, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

## QUESTION PERIOD

### PARLIAMENT

#### CORRUPTION IN GOVERNMENT

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, my question is addressed to the Leader of the Government in the Senate. The sponsorship scandal has been described by Andrew Stark, a management and political science professor at the University of Toronto, as "a total breakdown of all the moral, legal and institutional boundaries that we expect to see observed. It's almost the perfect storm."

Honourable senators, we are all too well aware that Liberal corruption is not limited to the sponsorship fiasco. The last ten years have been particularly bad for scandals in this country. Some highlights include: the HRDC boondoggle, in which \$1 billion in grants and contributions were mismanaged; the Somali inquiry, which was shut down because it was taking too long; Shawinigate and the questions over Jean Chrétien's involvement in the sale of two properties in his riding — on three separate occasions, the former Prime Minister contacted the Federal Business Development Bank of Canada about a \$2-million loan to Yvon Duhaime, the new owner of the Auberge Grand-Mère, to expand the hotel; Paul Martin's blind trust, which was not truly blind after he met 33 times with the Ethics Counsellor; the politically motivated Airbus investigation, which cost \$6.4 million and turned up nothing; and the \$2-billion gun registry program.

The question is: When will the Leader of the Government tell us why this government has subjected Canadians to such corruption over the last 11 years, culminating in "the perfect storm" of a scandal today?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, this is not a question but is, in fact, a political speech by Senator Stratton. To begin with, Professor Andrew Stark was a political assistant for the former Progressive Conservative Party and has continued to make, in my view, partisan statements. I would not suggest that what Professor Stark has to say has any reliability from an objective point of view.

Honourable senators, I will refrain from reciting the record of corruption during the Mulroney government; I will not speak to the ministers who were charged; I will not speak to those who were convicted; and I will tell you why. I believe that this Parliament has to demonstrate a civility, decency and fairness in its conduct. The kind of speech made by Senator Stratton should not be made in this chamber. This is a question of senators' proper conduct as trustees of sober second thought and of relatively impartial, objective balance. Honourable senators, I have responded to Senator Stratton's question.

• (1400)

I welcome my friend's endeavour to ask a supplementary question that would be civil in nature and objective in facts.

**Senator Stratton:** I really admire the government leader's chutzpah in answering the question. I remember the days when we were sitting on that side and he was sitting over here and I can imagine what he would have done in today's circumstances. I know what he would have done.

**Senator Lynch-Staunton:** Remember the GST?

**Senator Stratton:** There are no kazoos over here. I will never forget the kazoos.

The truth is that Andrew Stark is a highly respected academic and political analyst. When asked by *Maclean's* about the sponsorship scandal, he said:

Nothing like the sponsorship scandal has ever occurred, and neither has any like the steady stream of conflict-of-interest questions that have engulfed even the prime ministers. I think this scandal comes close to a breakdown of institutional boundaries on a scale that resembles the worst kind of corruption you'd find in a developing country.

Even for a politically motivated and highly respected professor, that is quite a statement. When it comes to the sponsorship scandal, Paul Martin talks about all the action he has taken. I will answer that question. He has launched the inquiry, he has fired people and he is personally offended. Paul Martin is great at holding others accountable but has taken no responsibility himself.

No wonder Canadians are becoming cynical. How cynical? Voter participation has dropped 10 percentage points in the last 11 years, from 70 per cent in 1993 to 60 per cent in 2004. That is the Liberal government's watch. Who can blame Canadians when no one will take responsibility for the mess the Liberals have created? Where does the buck stop? How does the honourable government leader explain the drop-off and the cynicism on the part of Canadians? Tell me that. Answer that question.

**Senator Austin:** The political speech goes on. We can see what is being prepared by way of the strategy of the Conservative side in the next election, whenever it might come.

Honourable senators have listened to Senator Stratton, and what they see is an election that will be based on misrepresentation, misstatement and innuendo.

Honourable senators, let us go back to Professor Stark for a moment. My understanding from reading the article was that he was asked as a Conservative partisan to give his views, not as an objective observer.

With respect to this particular line of questioning, we want to remind the Conservatives on the other side that the polls are clear. The nation wants to await the outcome of the Gomery commission and its report. The nation wants to be fair and objective. It wants to hear Commissioner Gomery's assessment of the stories that are appearing in evidence and the Conservative side does not. The Conservative side wants essentially to hear one side and, as I said in the past, lead a lynch mob to hang the accused before the judge has been able to come to a verdict.

Honourable senators, this is serious work. The Prime Minister has said that we want to get to the bottom of this matter. The Liberal government and the Liberal Party should be respected and I believe is respected across the country for opening up this set of practices and putting paid once and for all to this kind of politics in Canada.

There are practices in all political parties. I believe that Mr. Guité said in his evidence, and I do not want to be taken for believing anything else he said, that the Conservatives were even worse. He said exactly that.

**Senator Lynch-Staunton:** He did not say that. He said 150 per cent.

**Senator Austin:** He said 150 per cent worse.

I am delighted to have this repartee with Senator Lynch-Staunton and Senator LeBreton. I am deploring the inaccuracy of Senator Lynch-Staunton.

**The Hon. the Speaker:** Honourable senators, a few exchanges are okay, but when they become many, it is difficult for senators to hear what is being said.

**Senator Lynch-Staunton:** Just as well.

**The Hon. the Speaker:** I would ask for order, please.

**Senator Stratton:** Again, I admire the honourable leader'schutzpah because some of the lines he threw across the aisle were so distorted that I could not believe he was actually saying them. We are the only guys throwing the lines out that he finds distasteful.

I will never forget that if he were sitting here and I was sitting there, he would be doing exactly as we are doing. The senator opposite throws back at me his assertion that we have done worse things. Tell me, what is worse than this sponsorship scandal?

**Senator Austin:** Honourable senators, the fun continues. When we had the GST debate in this chamber, the people of Canada told us they did not want the GST, and we in the Senate supported the people of Canada.

Today, with respect to the attempt of the opposition to defeat the government in the other place, the people of Canada are on the other side. They are saying, "We do not want an election." What we see today is the Conservative Party — its leader in

particular — hungry for power, hungry for one opportunity, not taking responsibility for public policy, not taking a fair judgment on the evidence, a party, to put it plainly and simply, only hungry for power.

## FISHERIES AND OCEANS

### FOREIGN OVERFISHING

**Hon. Gerald J. Comeau:** Honourable senators, my question for the minister is related to a question posed last week on the international fisheries conference in St. John's, Newfoundland.

The future health of the international fisheries industry is a cause for serious concern. The Food and Agriculture Organization of the United Nations estimates that 78 per cent of the world's fish stocks have been placed in jeopardy and may be unable to reproduce because of overfishing.

Could the Leader of the Government in the Senate give us the government's assessment of the progress that was made at the St. John's meeting to address the question of illegal fishing and whether the government has any strategy to translate the Prime Minister's vows into tangible action?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, as Senator Comeau knows, the Government of Canada, through the Honourable Geoff Regan, Minister of Fisheries and Oceans, announced on May 2, 2005, that the Government of Canada will invest an additional \$20 million over the next three years in initiatives to combat overfishing and strengthen the governance of international fisheries.

With respect to this investment, the government hopes to marshal resources on several new fronts, including science advocacy, policy and legal initiatives. Those results, we hope, will support Canada's efforts to work with other countries through a number of different fora to improve international management of these important ocean resources adjacent to and within Canada.

• (1410)

### NUNAVUT—REPORT ON DEVELOPMENT OF ARCTIC FISHERIES INDUSTRY

**Hon. Gerald J. Comeau:** Honourable senators, my next question is on a fisheries-related topic but is not specifically on the issue of foreign overfishing.

I refer to last Thursday's report from Nunavut whereby the Nunavut government proposed a massive policy change for funding and re-engagement of the federal government to develop the Arctic fisheries industry. Specifically, the Nunavut government has asked that the federal government get involved in helping Nunavut with its struggling economy by investing heavily in research, infrastructure and the training needed for the industry to expand and survive. We know that the federal government has, over the years, invested quite heavily in the southern areas of Canada but has committed very little funding to



Nunavut. Could the Leader of the Government in the Senate tell us when we might expect a response from the government to the requests from the Nunavut government?

**Hon. Jack Austin (Leader of the Government):** Honourable senator, I will make inquiries and hope to report in the next two or three weeks.

## HERITAGE

### STATE OF NATIONAL ART GALLERY

**Hon. Janis G. Johnson:** Honourable senators, my question for the Leader of the Government in the Senate concerns the National Art Gallery of Canada. The gallery houses over 38,000 objects of art, which are held in trust on behalf of all Canadians.

According to recent reports, the gallery is struggling with financial and structural problems. Repairs to fix leaks in the roof have been postponed because of a lack of funds. I visited the gallery recently and can report that the humidity level in the building is very high, which, of course, is damaging to the long-term health of the art work.

Budget problems have meant that the gallery has reduced its programming and exhibition schedules. It is also running out of storage space and there have been cuts to staff. Considering the importance of this resource to our heritage, our national pride and, indeed, to the world, this is an appalling situation.

Taking into account the billions of dollars the federal government is spending these days quite freely, would it not consider dedicating funds to repair Canada's National Art Gallery?

**Hon. Jack Austin (Leader of the Government):** I share Senator Johnson's concern about the National Art Gallery, about heritage buildings in the country and museums.

Honourable senators, the government is reviewing its spending priorities in all these areas. Senator Johnson will know that within the envelope of funds a great deal of money has been set aside for a new museum in Winnipeg on the basis that there are matching funds from the private sector. The government has given this new institution something of a spending priority. The overall envelope for museums, galleries and heritage buildings and facilities in parks and the national park system is being studied.

### REVIEW OF MUSEUMS POLICY— REQUEST FOR UPDATE

**Hon. Janis G. Johnson:** I thank the honourable leader for that answer, but I still think we have to look after our national gallery.

In December of last year, Heritage Minister Liza Frulla promised a review of federal museum policy. Would it be possible for the government leader to make inquiries and give us a status report on the policy review?

**Hon. Jack Austin (Leader of the Government):** I certainly will do so. I hope to respond within two or three weeks.

## HEALTH

### PRIVATE AND PUBLIC DELIVERY OF SERVICES

**Hon. Wilbert J. Keon:** Honourable senators, last month I attended a health policy forum in Toronto where I spoke shortly after the Minister of Health. In his speech, the minister said that the federal government only supports a health care system based on public pay and public delivery.

I have published the opposite side of this argument and have been a believer that there should be room for competition in private enterprise in the delivery of health care, provided we have a public payer, because every other country in the world endorses that system.

However, what surprised me about the minister's statement is that he did not recognize that 30 per cent of health care in Canada is delivered privately. This includes mental health services, where virtually all psychological services are private. It includes home support services, many diagnostic clinics, surgical clinics and, of course, virtually all dental and vision care.

I raise this matter with honourable senators because it is an extremely important principle if our health care system is to survive. Does the government leader believe that from here on in the policy of the government will be that government should directly provide all health services? I think such a policy would be a serious mistake.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, of course this is a most serious issue and central to the concerns of Canadians and those who bring health care to Canadians — the federal government, the provinces and the territories.

The debate, which was in part initiated by the report of our own Standing Senate Committee on Social Affairs, Science and Technology, remains engaged at many levels. The Minister of Health is defending the proposition that the Canada Health Act requires that all medically necessary insured health services be covered by provincial-territorial health insurance plans. As we know, it does not preclude those services from being delivered by private facilities as long as insured persons are not charged for insured health services.

Health Canada's approach to the Canada Health Act's administration is set out in a general interpretation letter sent to all the provinces and territories in 1985 by the former federal Minister of Health and Welfare, the Honourable Jake Epp. That approach emphasized transparency and consultation and dialogue with provincial health care authorities. We continue to follow that approach.

As my honourable friend knows, there are a number of diagnostic clinics in Canada. The federal minister and representatives of some of the provinces and territories met in Ottawa on February 7, 2005, to discuss this subject. The issue of what Canadians wish to receive in the way of delivering publicly insured health services will continue to be discussed.

The Government of Canada is taking a long-standing position. I believe, and Senator Keon may have more information than I, that the court case with respect to the position of a Charter entitlement to health services within a reasonable period of time will be brought down sometime this year. The decision of the court may be a major step in resolving this issue.

**Senator Keon:** I thank the leader for his response, but I would like to pursue this line of questioning a little further.

I understand the Minister of Health sent a letter to the premiers of Quebec, New Brunswick, Alberta and British Columbia asking them to meet with him about how he could stop private diagnostic clinics in those provinces. I do not want to underestimate the complexity of this issue. Last summer the Ontario government took over the NMR clinics, which was an absolutely silly manoeuvre on their part. Here were clinics whose entire capital costs had been paid for by the owners of the clinics.

• (1420)

They were operating the clinics at the same unit price as the public clinics, and they were turning a profit. They were satisfying their customers. For the sake of rhetoric, the government takes over these clinics, pays more and gives worse service. Common sense has to intervene in this whole subject. I am concerned because we are again into a move where perhaps the federal government will be involved in buying out private clinics that do not have to pay capital costs to get up and running, that are willing to accept the government normal per diem payment or unit payment for services, that can turn a profit and can give much higher quality service than the publicly run bureaucratic systems.

My question to the leader again, and I hope he will raise this matter in cabinet, is whether the government really wants to get into this business of buying out these clinics at added expense, added bureaucracy and poorer service?

**Senator Austin:** Honourable senators, I will bring Senator Keon's comments in the Senate today to the attention of the Minister of Health. That would be my best way of representing the arguments that he has made. I want to confirm what he said about the minister sending a letter to the Ministers of Health of Alberta, British Columbia, Nova Scotia and Quebec. This letter was sent on April 26, 2005 and requested the initiation of discussions at the deputy minister level to clarify the status of private diagnostic clinics from a federal, provincial and territorial legislative and regulatory perspective. The letter asks the deputy ministers to review the types of services these clinics will provide and to review and identify possible options that ensure that these clinics operate in a manner consistent with the Canada Health Act.

What is significant to this government is that the delivery of health to Canadians be the best delivery we can possibly organize. It is of further significance to say that there is a legitimate concern to evaluate the question of private diagnostic clinics in terms of the overall capacity of the federal government, the provinces and the territories to ensure the highest possible level of health. Beyond that, honourable senators, I will draw to the attention of the Minister of Health the questions and answers today in the Senate.

## PRIME MINISTER

### USE OF PRIVATE HEALTH CARE FACILITIES

**Hon. David Tkachuk:** Honourable senators, I have a supplementary question. Is the Prime Minister himself using a private clinic in the city of Montreal?

**Hon. Jack Austin (Leader of the Government):** I believe there is a question somewhere that is being answered in due course.

**Senator Tkachuk:** Would that particular clinic be called Medisys?

**Senator Austin:** Honourable senators, as I said in answer to this question previously, I have no personal information. I am seeking an answer to Senator Tkachuk's question.

**Senator Tkachuk:** Will the Liberal government try to acquire this clinic as well?

**Senator Austin:** Honourable senators, I think Senator Keon was asking better questions.

**Senator Tkachuk:** Good for you.

[Translation]

## THE ENVIRONMENT

### NATIONAL WATER POLICY

**Hon. Madeleine Plamondon:** Honourable senators, my question is for the Leader of the Government and concerns the environment, water in particular. There was an article in yesterday's *Ottawa Citizen* about a study by Environment Canada. It reveals some major problems relating to various aspects of water. The title itself was somewhat telling:

[English]

"No one in charge as water crisis looms."

[Translation]

The article mentions that there are water shortages in the Prairies; that there are diseases from contaminated water; that low water levels on the Great Lakes threaten shipping and reduce hydroelectric energy production; that Canada needs \$41 billion dollars over 10 years for water treatment and sewage disposal; that water shortages cause friction between provinces, between industries, and between Canada and the U.S.; that we do not know how much groundwater we have in Canada; and that we do not understand the effects of newer pollutants such as pharmaceuticals that end up down the drains and can disrupt human hormone systems.

Can the Leader of the Government in the Senate tell us whether the government has a plan to address these problems, which are putting Canadians and their environment at risk?



[English]

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank Senator Plamondon for her question. The subject of water has been on our agenda in terms of public policy for a very long time. As Senator Plamondon has said, jurisdiction is shared across the country. In fact, water is usually a resource within the constitutional jurisdiction of the provinces, with some responsibility assigned by provinces to municipalities. There is not yet a coherent policy developing in this country with respect to water. Water issues are being tackled in terms of the environment. There are measures to deal with municipal sewage. The federal government has given a considerable amount of money to various provinces to deal with municipal sewage in this country. I do not have the numbers at hand, but I can certainly find them if they are of interest to Senator Plamondon.

We are endeavouring to deal with polluted water that is the result of industrial activity. Again, because that industrial activity is significant to various communities, there is resistance to certain kinds of measures.

I want to mention Senator Grafstein's efforts to deal with a number of issues relating to water, and one of them has been the question of the way we treat water economically. We historically treat water as a free resource. Canada has seen it as an abundant commodity. Everyone has a right to take what they want, and not to pay for it. More and more, I believe that economics will drive us to begin to price the cost of polluted water, water that is overused and therefore not available for other activities except at a much higher price.

Quite frankly, I would welcome a Senate study on the question of water. It has been proposed here before. Unfortunately, so far as I can recall, it never actually got underway. I wonder if Senator Plamondon would allow Senator Banks, as Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, to respond. Quite frankly, I cannot follow the work in every committee, and I would be delighted if she wanted to ask him to give further information.

• (1430)

[Translation]

## QUARANTINE BILL

### MESSAGE FROM COMMONS— SENATE AMENDMENTS CONCURRED IN

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill C-12, to prevent the introduction and spread of communicable diseases, to acquaint the Senate that the House of Commons has agreed to the amendments made by the Senate to this bill, without amendment.

## ORDERS OF THE DAY

### PERSONAL WATERCRAFT BILL

#### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-12, concerning personal watercraft in navigable waters.—*(Honourable Senator Rompkey, P.C.)*

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, this bill has been before us for some time. I had been informed that a particular senator wanted to speak and that perhaps he needed a bit more time to consult with the sponsor of this bill.

I would ask that the debate be adjourned in the name of the Honourable Senator Massicotte until the next sitting of the Senate.

On motion of Senator Robichaud, for Senator Massicotte, debate adjourned.

### LEGAL AND CONSTITUTIONAL AFFAIRS

#### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF INCLUDING IN LEGISLATION NON-DEROGATION CLAUSES RELATING TO ABORIGINAL TREATY RIGHTS ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Legal and Constitutional Affairs (budget—study on the inclusion of non-derogation clauses in legislation—power to hire staff), presented in the Senate on May 10, 2005.—*(Honourable Senator Bacon)*

**Hon. Lise Bacon** moved the adoption of the report.

Motion agreed to and report adopted.

#### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF BILINGUAL STATUS OF CITY OF OTTAWA ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs (budget—study on declaring Ottawa to be a bilingual city—authorization to hire staff), presented in the Senate on May 10, 2005.—*(Honourable Senator Bacon)*

**Hon. Lise Bacon** moved the adoption of the report.

Motion agreed to and report adopted.

[English]

# STUDY ON LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

## INTERIM REPORT OF THE STANDING SENATE COMMITTEE ON HUMAN RIGHTS AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the seventeenth report (Interim) of the Standing Senate Committee on Human Rights (Study on an invitation to the Minister of Indian and Northern Affairs), tabled in the Senate on May 10, 2005.

**Hon. A. Raynell Andreychuk:** Honourable senators, I move:

That the report be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Minister of Indian and Northern Affairs being identified as Minister responsible for responding to the report.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[Translation]

# DECENTRALIZING OF FEDERAL DEPARTMENTS, AGENCIES AND CROWN CORPORATIONS

## INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe calling the attention of the Senate to the benefits of the decentralization of federal departments, agencies and Crown corporations from the National Capital to the regions of Canada.—(*Honourable Senator Chaput*)

**Hon. Maria Chaput:** Honourable senators, it gives me great pleasure to speak today on the decentralization of the federal public service, as described in Senator Downe's remarks. As a francophone senator from Manitoba, I strongly support any initiative that will make it easier for the residents of the various regions of Canada to access government services and that will contribute to the local economy and the development of communities.

I therefore encourage our government to continue its efforts to decentralize. Needless to say, the highest concentration of federal public servants is right here in the National Capital Region, and, according to Statistics Canada, their number has increased considerably.

These federal jobs are regarded as permanent, stable and well-paid positions, compared to the positions available in the regions. A number of my honourable colleagues who have spoken on this matter have cited decentralization success stories. They mentioned the relocation of Public Works and Government Services Canada's Superannuation Division to Shediac, which was announced on June 14, 1976. In 1976, the payroll involved was \$4 million; today, it is \$23 million, for offices that are now well established and stimulating local economic activity.

Another success story, cited by Senator Downe, is the move of Veterans Affairs to Charlottetown, which has also led to a striking increase in the use of French. It is obvious that governments have been trying to decentralize some departments outside Ottawa. Senator Ringuette said that:

Despite the opposition, the relocated departments have well and truly succeeded in reducing their human resource and capital costs and have become engines of economic growth for their adopted regions.

Honourable senators, I have noted the positive spin-offs generated by transferring federal activities out into one or more regions: private investment, annual payroll, value added in our human resources, enrolment in educational programs, local jobs, the retention of young people in their native region, and more.

But there is one important factor that the federal government must consider in any decentralization, and that is the consequences for the Official Languages Act of moving the headquarters of federal institutions when the new host region is not one that is designated bilingual.

This can bring a loss of the right to work in the official language of one's choice and possibly a loss of services in the official language of one's choice for a number of Canadians.

I, in turn, would like to cite an example of decentralization that undoubtedly makes very good financial sense but that has powerful implications both for the right of employees to work in French and on the right of citizens to continue obtaining services in both official languages. My example is the moving of the Canadian Tourism Commission.

The CTC is known to have had an impact on the development of francophone minority communities and, according to the Commissioner of Official Languages, the CTC does not even have official languages policies or guidelines.

• (1440)

The Commissioner of Official Languages has said:

Transferring the commission to a region which is not designated bilingual for purposes of language of work is a very serious matter.

Although the head offices of federal institutions can be moved, we must take into account the implications of such moves for the Official Languages Act as a whole, including the provisions on language of work.



[English]

The Government of Canada must take all necessary steps to promote the vigour and usefulness of its institutions by decentralizing them to become an economic support for the regions, but it must also protect the language rights of Canadians. This becomes even more important when an institution is one of the federal institutions considered by the Government of Canada to have a significant impact on the development of official language minority communities. In my opinion, it is possible to find ways of reconciling economic impact with the impact on the development and vitality of official language minority communities.

There are many federal departments and agencies that, over the years, have developed links of cooperation and support with official language minority communities. Bringing these two entities, federal agencies and communities, closer together by way of decentralization is an excellent objective to pursue, as long as they are indeed brought closer together and not driven apart.

It seems obvious to me that decentralization must provide for the creation or maintenance of tangible links with the federal agency's new host community. The agency does not function in a vacuum. It adapts and becomes accustomed to the environment that receives it and is ready to nurture the relationship that already exists or can be established with the federal government.

Infrastructures, clientele and services in official languages must be taken into account in any decentralization plan. In this way, the interests of the community are considered and the government's mission is respected. The official language minority communities have been campaigning for a long time for equal access to federal agencies and departments.

I will conclude my remarks by reminding honourable senators that the Official Languages Act, first passed in 1969, must be complied with. Since the act is now part of the Canadian landscape and since its main objective is the development and vitality of official language minority communities, it is essential that our government's decisions take the act into account. The successful decentralization of federal agencies and departments hinges on this. Otherwise, the government is giving with one hand and taking away with the other, and I am sure that is not our government's intention.

On motion of Senator Losier-Cool, debate adjourned.

[Translation]

## THE SENATE

### MOTION TO AMEND RULE 32— SPEAKING IN THE SENATE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Corbin, seconded by the Honourable Senator Cook:

That the *Rules of the Senate* be amended by replacing rule 32 with the following:

“32. (1) A Senator desiring to speak in the Senate shall rise in the place where that Senator normally sits and address the rest of the Senators.

(2) Any Senator who speaks in the Senate shall do so in one of the official languages.

(3) Notwithstanding subsection (2), a Senator desiring to address the Senate in Inuktitut shall so inform the Clerk of the Senate at least four hours before the start of that sitting of the Senate.

(4) The Clerk of the Senate shall make the necessary arrangements to provide interpretation of remarks made in Inuktitut into the two official languages.

(5) Remarks made in Inuktitut shall be published in the *Debates of the Senate* in the two official languages, with a note in the *Journals of the Senate* explaining that they were delivered in Inuktitut.”—(Honourable Senator Robichaud, P.C.)

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, I am pleased to rise in support of the motion of the Honourable Senator Corbin on the amendment to rule 32 of the *Rules of the Senate*. This change would allow the honourable senators who represent certain regions of Canada's far north to express themselves in their native language, Inuktitut. This is a very important change, because it seeks to recognize the cultural identity of some of our honourable colleagues.

For the majority of people, their mother tongue is the first language they learn and, of course, the one they master best. This means that it is a lot easier to use our mother tongue to express ourselves, than to use a second or even a third language.

Moreover, language is part of one's cultural and personal identity. It is very important to preserve and to use one's mother tongue, to maintain and assert one's identity.

Honourable senators, it must be realized that it is very difficult to preserve and to use one's mother tongue when it is not one of Canada's two official languages. Of course, at this point, we cannot make it possible to use all the languages spoken in Canada here in this chamber. However, it would make sense to adopt this motion, this change to the rules, and there is no reason not to take this first step to accommodate our colleagues, Senators Adams and Watt, by following the proposed procedure.

We know that it is possible to translate this language, Inuktitut, in the Senate, because it has been done occasionally in the past. Indeed, we have heard the Honourable Senator Adams express himself in Inuktitut on a number of occasions, with Senator Watt providing the interpretation in English. Since he did not have access to the Senate's interpretation system, Senator Watt had to interrupt Senator Adams every few seconds to do the interpretation. These interruptions were annoying for the Honourable Senator Adams, because they broke up the flow of his speech. So, why not provide the necessary tools to allow our

[ Senator Chaput ]

honourable colleagues to be better understood and to better express themselves? Of course, I am not passing judgment on how these honourable senators have expressed themselves in the past in this place.

I believe that allowing our colleagues to express themselves in their mother tongue, Inuktitut, would constitute a recognition of their culture. It can be difficult to express ideas, thoughts and even feelings in a language that has not been completely mastered. In other words, not every word or expression has been learned. It becomes even more complicated when our mother tongue is almost never used outside those communities. As Senator Corbin mentioned, Inuit appointed to the Senate must contribute to that institution and represent the inhabitants — meaning their customs and culture — of their territory. Why not provide them with the tools they need to express themselves with ease and ensure that they can share their feelings with us?

Honourable senators, if we, as senators, are to represent our regions and their specific nature, should we not speak in the language used by the people in those regions? I believe that this honourable chamber could establish a connection with these communities, which could then build a relationship with the Senate.

In my opinion, this is the aim of the motion currently before us, and I support it wholeheartedly.

• (1450)

**Hon. Joan Fraser:** Honourable senators, as I indicated last week in this chamber, I support the motion. As Senator Robichaud has just explained, it is extremely difficult to always be speaking a language that is not our mother tongue. We feel that we lack subtlety, that we can never say quite exactly what we want to. It is important to be able to express oneself in this chamber with all the nuance and intelligence at our disposal. The changes proposed by Senator Corbin are eminently desirable.

Last week, however, Senator Joyal reminded us the country's Constitution provides that the proceedings of Parliament be in Canada's two official languages. In order to be more sure of what we are saying and more accurate, it would be very useful to submit this motion to the Standing Committee on Legal and Constitutional Affairs for its consideration, which I am sure would take no time at all, in order to confirm that it would be well within the constitutional framework to provide the appropriate translation of the Inuktitut into English or French and have the debates published in English and French with a note that the original language was Inuktitut. If, as currently formulated, the motion of Senator Corbin were not quite the way to go about it, the situation could be corrected. We must be absolutely sure we are meeting our constitutional obligations.

Senator Corbin could then consider altering his motion and ask the Standing Committee on Legal and Constitutional Affairs to do the study. I am sure that the process would be quick and the answer entirely favourable.

[English]

**Hon. Nick G. Sibbeston:** Honourable senators, I am pleased to speak today in support of Senator Corbin's motion to change the

rules to permit the speaking of Inuktitut in our chamber. Accepting this addition to our rules would be a great step forward. It would show Canadians that the Senate truly has individuals here who represent all the peoples of our country. To have Inuktitut spoken in the Senate chamber would be especially good because the Inuit are one of the original peoples of our country.

Senator Adams and I first began our political careers back in 1970, in the Legislative Assembly of the Northwest Territories. It was an era when Aboriginal peoples in the North were becoming involved in the democratic system. A few years before that, we had a government that was centred here in Ottawa. Eventually there was a process of electing people from the North, but the commissioner who was in charge of the northern government was situated in Ottawa.

I was elected in 1970 to a territorial council that consisted of 14 people. Nine were elected and five were appointed. Senator Adams and other Inuit, as well as some Dene from my own culture, sat on the council. It was a very difficult time because each member conversed best in their own Aboriginal language. As in the current situation, they were, in a sense, forced to speak the English language, which made communicating very difficult.

When I came on the scene in 1970, there were institutions in the North like the CBC that did not have one word of Dene in any of their programming. I was just fresh out of university, had learned about political science and had some ideas about how democracy should work in the North. Therefore, I agitated and became involved in a program where I and an elder produced half an hour of Dene language programming for the CBC. That was the start of the Dene and eventually all Aboriginal peoples being able to hear words in their own language on the radio. It was a small first step.

While on the territorial council, I was jealous of the Inuit and the fact that they were able to speak in their own language. The government at the time had no choice but to provide interpreters because the unilingual Inuit people who were elected did not know English and had to speak their own language. I asked if it was possible for Dene people like myself to speak the Dene language; the answer always was no.

One day, to make the point, I spoke on and on in my own language and everything came to a halt. The Speaker of the day arranged for someone to sit by me and speak my own language. That was the start of using Dene interpreters.

Minister John Munro came from Ottawa to the North to tell us and the government that French had to be an official language in the Northwest Territories. Most of us spoke Aboriginal languages, but the federal government wanted to impose French on the people of the North.

We had a meeting and we negotiated, the result being that in agreeing to have English and French recognized as the official languages of the North, the government said it would also provide funding so that Aboriginal languages could be recognized and used in all institutions in the Northwest Territories.



At one point, something like nine Aboriginal languages could be used in our legislative assembly, Inuktitut and a number of Dene languages.

We felt very fortunate that the Aboriginal languages spoken in the Northwest Territories were supported. Eventually, a bill was passed that recognized French, English and all Aboriginal languages in the North as official languages of the North. We made those important steps for the languages and the cultures in the North.

Today, I fully support the little step that has been proposed by Senator Corbin. I do not doubt that Senator Adams is conversant and very well-spoken in his own Inuktitut language. However, members know it is a bit difficult for Senator Adams to speak in English, so I support the initiative that has been taken and herald the day when the our rules will be changed.

• (1500)

Honourable senators, it is a great distance from the North, but we will see how this process works. Perhaps one day I will press to be able to speak in my own language.

On motion of Senator Stratton, debate adjourned.

[Translation]

## THE SENATE

### RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

**135.1** Every Senator shall, after taking his or her Seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (full name of the Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.

And on the motion in amendment of the Honourable Senator Day, seconded by the Honourable Senator Lavigne:

That the motion be amended by replacing, in the proposed rule 135.1, the word "shall", with the word "may".—(Honourable Senator Cools)

**Hon. Raymond Lavigne:** Honourable senators, I would like to know when Senator Cools will speak to my motion.

[English]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators may recall that Senator Cools said last week that she would speak to this motion. I will speak to her within the next day or so and advise the house.

Order stands.

### NEED FOR INTEGRATED DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

INQUIRY—DEBATE ADJOURNED

**Hon. Terry Stratton (Deputy Leader of the Opposition),** for Senator Andreychuk, rose pursuant to notice of February 22, 2005:

That she will call the attention of the Senate to the need for a strong integrated Department of Foreign Affairs and International Trade and the need to strengthen and support the Foreign Service of Canada, in order to ensure that Canada's international obligations are met and that Canada's opportunities and interests are maximized.

He said: Honourable senators, Senator Andreychuk is unavailable to address this issue today. She had to leave the chamber early to attend the Foreign Affairs Committee, which is today hearing from the President of Mali.

On motion of Senator Stratton, for Senator Andreychuk, debate adjourned.

### CHANGES TO BUDGET 2005

INQUIRY—DEBATE ADJOURNED

**Hon. Gerald J. Comeau** rose pursuant to notice of May 3, 2005:

That he will call the attention of the Senate to the NDP budget announced in the media by the Prime Minister on April 26, 2005; the ruination and destruction of the Liberal budget; the compromised integrity of the Minister of Finance whose previous position was that such measures were fiscally irresponsible; and the irresponsibility of the Liberal government in attempting to shore up its fading support through reckless new spending announcements.

He said: Honourable senators, I had planned to speak to Senator Kinsella's inquiry into last February's budget. However, Mr. Martin has tossed that budget out the window, the fiscal plans are in ruins and the integrity of the Minister of Finance has been compromised. We now have a Liberal-NDP budget that was not announced in Parliament by the Minister of Finance. Moreover, as the government leader informed the Senate on May 3, there is not even a written document for the Minister of Finance to table in Parliament.

From the media and from NDP news releases, we learned that the Liberals and the New Democratic Party reached a deal that involves NDP support of the government on confidence measures

[ Senator Sibbeston ]

in exchange for budget changes — so much for the democratic process. There was a time when budget announcements were made in Parliament in the presence of parliamentarians, not made in newspapers or elsewhere outside the precincts of Parliament.

There is an old bit of partisan humour to the effect that the letters “NDP” stand for “no down payment.” We will all pay for the \$4.6-billion deal, which uses taxpayers’ money to keep a scandal-ridden government afloat. The money is to flow over two fiscal years at \$2.3 billion per year, perhaps eating into the contingency reserve or coming from somewhere else. Might there be more cuts to DFO’s budget or in assistance to farmers, or might we face increased taxes?

In the May 4 edition of *The Global and Mail*, it is reported that some of the money for this deal might come from funds that the government had originally intended to announce for Natives. If this is true, then someone will have to rewrite chapter 3 of the Budget Plan, entitled “Securing Canada’s Social Foundations.” Meanwhile, the government is making one spending announcement after another.

[Translation]

In one week, between April 21 and April 27, several ministers announced \$1.6 billion in new spending. If you add another \$4.6 billion to that spending, Mr. Martin becomes the \$6-billion man.

[English]

The \$6-billion man will need a bionic arm fairly soon to ease the cramps from signing all these cheques. From April 21 to May 10, the spending announcements were made at a pace of \$1.24 billion per day, which works out to \$22 billion in total. How long can Canadian tax payers afford this?

Mr. Pat Martin, who is no relation to Prime Minister Martin, is a member of the NDP caucus. He appeared on CTV News on April 26 and characterized the recent flurry of government spending as “a spending orgy.” This is akin to a spending free-for-all. Taxpayers had better hope that there is a spring election before the country is bankrupted by such spending. Mr. Pat Martin is a member of the NDP caucus that signed the deal with the Liberals.

Honourable senators, is the NDP-Liberal deal part of a spending orgy that will bankrupt the country if we do not have a spring election? That is a good question. The sum of \$4.6 billion works out to approximately one quarter of a billion dollars per NDP vote.

[Translation]

The Liberals are buying NDP votes in Parliament to try to survive the scandal. Is that how Canadians want governments to spend \$4.6 billion in public funds? I think not.

[English]

No one could say it better than Mr. Layton himself when on April 21 in a press release he said:

...at the core of the scandal is a Liberal Party that cannot distinguish between the public purse and its own.

We now have a scandal-ridden Liberal Party in government and the socialist NDP dictating budget policy. Together they have come up with a fiscal plan for the nation on the back of an envelope, with the Minister of Finance looking on from the sidelines. This is a recipe for economic disaster. The businesses that create jobs and the hard-working Canadians who drive the economy have had the door slammed in their faces by the Prime Minister and Mr. Layton.

To pay for this extra spending over the next two years, the government first agreed to delay business tax reductions.

[Translation]

This is interesting from a balanced budget point of view. The money is spent now, but the corresponding revenue will not be secured before 2008.

[English]

The Canadian Federation of Independent Business responded in a press release on April 29 that said:

It is notable that they acknowledged small business but this is not a small-business budget, this is a “stay-alive budget.”

The press release went on to ask:

What message are they sending to Canadian businesses and foreign investors?

I suggest to honourable senators that the message is not that great.

The C.D. Howe Institute looked at the proposed rollback of the business measures and in an April 27 news release said:

Overall the rollback of the planned federal corporate tax cuts will have an economic cost of about \$31 billion in capital expenditure and \$2.7 billion in GDP. Those are figures that not only count; they matter.

Ms. Nancy Hughes Anthony, President and CEO of the Canadian Chamber of Commerce, stated in an article in the April 28 *National Post*:

What they are saying is, “Have faith in us and we will try to get this through at some point in time.” Well, that’s too little, too late.”

Honourable senators, it is quite clear that the leader of the NDP did not go into secret deal-making to look out for Atlantic Canada. Despite his supposed support for spinning the offshore accord out of the budget to ensure its immediate passage, it does not seem that he even raised the issue with the Prime Minister.

• (1510)

[Translation]

As a result, Atlantic Canada is still waiting for money it is owed to get back on its feet. Like the Liberals, Jack Layton does not care.



[English]

For that matter, can Mr. Layton trust even Mr. Martin? At first, Mr. Martin was going to delay the corporate tax cut by a couple of years, except for small business. This was on Tuesday, April 26. Then, late on Wednesday, April 27, the finance minister said in a press release that the government planned to go ahead with the business tax reduction. The government would carve out parts other than reductions for small business and bring them back through a separate bill.

Did Mr. Layton realize that he was agreeing to a sleight of hand? Mr. Layton's reaction, as reported in several newspapers on April 28, was to accuse the Prime Minister of, "fooling around with Canadians once again and trying to pretend you're all things to all people."

The NDP leader also conceded that he cannot hold the Prime Minister to honouring the promises made in the deal. According to a report circulated by Canadian Press he said:

I don't know what assurances he can give me about the far distant future. He's tried to assure Canadians on many things and he always breaks those promises, so, we shall see.

At least one of the measures, the tuition fee cut, could not go ahead without provincial cooperation, while most of the rest represents federal spending in areas of provincial jurisdiction. Yet, Ontario Premier Dalton McGuinty has said that not one provincial premier or territorial leader was consulted about this in advance. The two deal makers cannot even agree on what was in their deal.

From *The Vancouver Sun* of April 29 I quote:

Layton and his officials say the Liberals agreed explicitly in writing that the education money will only go to provinces that specifically agree to use it to reduce tuition.

"No, we didn't say that," Martin responded.

These two people are speaking in the press. This is ridiculous.

If Mr. Layton wants to see his promises kept, he might have to prop up the government until Christmas so that the necessary legislation can be passed. Even then the Prime Minister insists that the extra spending will only go ahead if there is still a surplus at the end of the fiscal year, and that takes us into next spring.

Honourable senators, Paul Martin said he wanted Parliament to work, but he certainly never consulted our party about making a budget that would speak to the real priorities of Canadians.

[Translation]

The Conservatives are hoping for significant tax cuts for Canadian businesses and families, and for some spending cuts. Mr. Martin could have obtained 99 votes instead of 19, if these had been his priorities. He could have had the budget passed very quickly, without spending an extra \$4.6 billion.

[ Senator Comeau ]

[English]

Honourable senators, the government simply cannot draw up a game plan and stick to it. A few weeks ago, Finance Minister Ralph Goodale warned that the opposition could spark a financial crisis by tampering with the budget bill. Specifically, in the April 8, 2005 Saskatoon's *The Star Phoenix*, he was quoted as saying:

You can't go on stripping away piece by piece by piece of the budget. You can't, after the fact, begin to cherry pick: "We'll throw that out and we'll put that in, we'll stir this around and mix it all up again." That's not the way you maintain a coherent fiscal framework. If you engage in that exercise, it is an absolute, sure formula for the creation of a deficit.

In the Regina *Leader-Post* of April 26, published the morning of Mr. Martin's deal, we have:

But Goodale said there were some disadvantages to the country if the Liberal government was to accept an NDP proposal — which would involve the government retracting \$4.6 billion in corporate tax cuts proposed in the budget in order to receive NDP support in Parliament.

The competitive position of Canadian businesses compared to U.S. businesses could be damaged if those tax cuts are not provided, Goodale said.

Finance Minister Goodale is left by the wayside by the Prime Minister. The bottom line is that the Prime Minister has compromised the integrity of the Minister of Finance, whose previous position was that such measures were fiscally irresponsible. Why is the Prime Minister doing this to his finance minister? What did Ralph Goodale ever do to deserve such treatment from his Prime Minister? For that matter, what has come over Jack Layton, a man who in recent weeks has called the Liberal Party corrupt and criminal, and suggested that the Prime Minister has lost contact with reality?

Mr. Layton was reported in the April 13 *Winnipeg Free Press* as saying:

The fact is this Liberal corruption is putting a corrupt face on federalism in Quebec and it is smearing Quebec's name all across Canada.

In an April 7 press release he said:

The testimony released out of the Gomery inquiry shows a complete absence of any form of responsibility at the highest echelons of the Liberal party. It exposes a tired, washed-up and corrupt regime for what they really are.

One would think that, logically, Mr. Layton would want Canadians to pass judgment on whether the Liberals are still fit to govern. Yet, despite all his ranting, he now agrees to keep Paul Martin in power. Despite claiming to be troubled by Liberal scandal, he is willing to sell NDP support to the Liberals: so much for NDP principles. If they do not like the ones they have today, they will change them as they see fit.

**Senator LeBreton:** That is why they get along so well with the Liberals.

**Senator Comeau:** Whatever happened to the party of Knowles, Coldwell, Woodsworth, Lewis, Douglas and Broadbent?

If the government wanted to improve the budget, it had other ways to do so. It could have provided adequate resources for Canada's military so that our Armed Forces can become fully combat capable as well as equipped for peacekeeping duties.

It could immediately implement the proposed personal income tax reduction rather than asking Canadians to settle for a mere \$16 tax cut next year. It could walk completely away from the provisions that implement the fatally flawed Kyoto accord and, instead, address real environmental issues — acid rain killing our lands, our forests and our rivers — rather than buying pollution credits elsewhere from God knows who. Purchasing credits for greenhouse gas reduction is simply wrong. It is a sham.

The government could deliver child care dollars directly to parents instead of setting up a massive bureaucratic child care program. It could make a meaningful commitment to the agricultural sector and rural Canada to provide aid at a time when Canada's regions need it most. It could have eliminated wasteful spending such as the long gun registry.

[Translation]

The budget implementation bill was introduced in the other place on March 24. We are now in May, and it has not even gone through second reading.

[English]

As introduced, it had the support of the official opposition, conditional on putting the Kyoto accord sections in another bill and with an offer for immediate passage of the Atlantic accord provisions if these were put in a separate bill. Instead, this government has dithered and blundered from crisis to crisis, failed to manage its parliamentary agenda and is now grasping at anything in a desperate effort to stay alive.

The government is now asking to be dealt with under the rule of law. They are saying: "Do not convict us until we have been proven guilty." The suggestion that the Gomery inquiry will provide a guilty or non-guilty verdict in his inquiry is just another sham. It will not happen. Commissioner Gomery will provide a summary of the findings.

We are getting results already. How many more manila envelopes, brown paper bags and satchels of money do we need to see changing hands from advertising sponsors to the Liberal Party coffers? How many more of these envelopes do we need to hear about before we pass judgment on a party that has overstayed its welcome in Canada and now needs to lick its wounds and say, "We have done wrong and we admit it"?

This is the time to do it. The budget that will be coming before us proves it, and the daily revelations from the Gomery inquiry indicate that it is now time for the great Liberal Party of Canada

to do the right thing, accept the non-confidence motion in the other place and seek a new mandate from the people of Canada.

**The Hon. the Speaker *pro tempore*:** I regret to inform Senator Comeau that his time has expired.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Would the honourable senator agree to ask for extended time in order that we can ask him questions?

• (1520)

**Senator Comeau:** If the Senate wished to extend the time for me to respond to questions, that would be welcomed.

[Translation]

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, we sometimes give a senator an additional five minutes to finish his speech, but if Senator Comeau could do it in one minute, we would agree.

**Senator Kinsella:** I would like to explore two things. You referred to Commissioner Gomery's mandate. You said that the judge cannot mention names in his final report, that he cannot indicate who should be prosecuted before the courts. Could you explain Mr. Gomery's mandate and tell us who gave him that mandate?

**Senator Comeau:** Just before calling the last election, when we suspected certain things, the Prime Minister decided to establish the Gomery commission. He ended the proceedings of the public works committee to prevent the disclosure of information from that committee to the House of Commons. Before the Gomery commission began hearing witnesses, he decided to call an election. We were not able to find out what had been going on.

Since then, the Gomery commission has been fulfilling its mandate. There is this impression among Canadians that the Gomery commission is conducting a judicial inquiry. That is not the case. The Gomery commission is hearing the testimony of those individuals involved. Following this evidence, Mr. Gomery cannot find a witness guilty, and he cannot mention names. He can only write a report saying: This is what I heard. He cannot even make recommendations.

[English]

It is not a judicial inquiry. It is a commission of inquiry. The impression is being created by the government that everything will come out in the wash within the Gomery inquiry and that people will be found guilty or not guilty. That is simply not the case. The Gomery inquiry simply gets the evidence and then presents it to the public, which means that the public will still have to make the decision of the inquiry. It is still up to the Canadian people.

The question has been raised by a number of people as to whether we should be going into an election or waiting for the Gomery inquiry to propose its findings. The findings are there. They are coming out as we go along. We are suggesting to the government now that there is enough coming out, without anybody taking any kind of responsibility, no responsibility



whatsoever, for what has happened there. The Prime Minister of today, the number two man in Quebec, keeps snapping his suspenders at how great a finance minister he was, solving all the problems of the world with the GST, free trade, and the difficult decisions that had been made by a previous government. All he had to do was stand around. The garden had been set by the previous government. All he had to do was walk around and collect the results of the garden that had been laid out.

I heard the Leader of the Government in the Senate today talking about the previous government. Every time the discussion starts going back in time, they bring up Mr. Mulroney's name. We are not over 15 minutes yet, are we?

**The Hon. the Speaker *pro tempore*:** I am sorry, senator. Your five minutes are up.

**Senator Robichaud:** I had a question.

**The Hon. the Speaker *pro tempore*:** I see no senator rising.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** I move adjournment of the debate.

**Senator Comeau:** You do not want to hear the truth. I will do my best Jack Nicholson impersonation.

**Senator Robichaud:** We want to hear the truth from the Gomery inquiry.

**The Hon. the Speaker *pro tempore*:** Order.

On motion of Senator Stratton, debate adjourned.

The Senate adjourned until Thursday, May 12, 2005, at 1:30 p.m.

# CONTENTS

Wednesday, May 11, 2005

	PAGE		PAGE
<b>Visitors in the Gallery</b>		<b>Prime Minister</b>	
The Hon. the Speaker <i>pro tempore</i> .....	1219	Use of Private Health Care Facilities.	
		Hon. David Tkachuk .....	1225
		Hon. Jack Austin .....	1225
<b>SENATORS' STATEMENTS</b>		<b>The Environment</b>	
<b>Republic of Georgia</b>		National Water Policy.	
Visiting Delegation of Public Officials.		Hon. Madeleine Plamondon .....	1225
Hon. Jeremiah S. Grafstein .....	1219	Hon. Jack Austin .....	1226
<b>Visitors in the Gallery</b>		<b>Quarantine Bill (Bill C-12)</b>	
The Hon. the Speaker <i>pro tempore</i> .....	1219	Message from Commons—Senate Amendments Concurred In.	
<b>The Late Jeanne-Mance Charlish</b>		The Hon. the Speaker .....	1226
Hon. Madeleine Plamondon .....	1219		
<b>Alberta</b>		<b>ORDERS OF THE DAY</b>	
Centennial Celebrations.		<b>Personal Watercraft Bill (Bill S-12)</b>	
Hon. Lillian Eva Dyck .....	1220	Second Reading—Debate Continued.	
<b>The Late Honourable Lois E. Hole, O.C.</b>		Hon. Fernand Robichaud .....	1226
Posthumous Award.		<b>Legal and Constitutional Affairs</b>	
Hon. Claudette Tardif .....	1220	Budget and Authorization to Engage Services—	
<b>Mr. Steve Nash</b>		Report of Committee on Study of Including in Legislation	
Congratulations on Becoming Most Valuable Player		Non-derogation Clauses Relating to Aboriginal Treaty	
of National Basketball Association.		Rights Adopted.	
Hon. Mobina S. B. Jaffer .....	1221	Hon. Lise Bacon .....	1226
<b>Canadian Engineering Memorial Foundation</b>		Budget and Authorization to Engage Services	
Hon. Mac Harb .....	1221	Report of Committee on Study of Bilingual Status	
		of City of Ottawa Adopted.	
		Hon. Lise Bacon .....	1226
<b>ROUTINE PROCEEDINGS</b>		<b>Study on Legal Issues Affecting On-reserve Matrimonial</b>	
<b>Rules, Procedures and the Rights of Parliament</b>		<b>Real Property on Breakdown of Marriage or Common</b>	
Third Report of Committee Tabled.		<b>Law Relationship</b>	
Hon. David P. Smith .....	1222	Interim Report of the Standing Senate Committee	
		on Human Rights and Request for Government	
		Response Adopted.	
		Hon. A. Raynell Andreychuk .....	1227
<b>QUESTION PERIOD</b>		<b>Decentralizing of Federal Departments, Agencies</b>	
<b>Parliament</b>		<b>and Crown Corporations</b>	
Corruption in Government.		Inquiry—Debate Continued.	
Hon. Terry Stratton .....	1222	Hon. Maria Chaput .....	1227
Hon. Jack Austin .....	1222	<b>The Senate</b>	
<b>Fisheries and Oceans</b>		Motion to Amend Rule 32—Speaking in the Senate	
Foreign Overfishing.		Debate Continued.	
Hon. Gerald J. Comeau .....	1223	Hon. Fernand Robichaud .....	1228
Hon. Jack Austin .....	1223	Hon. Joan Fraser .....	1229
Nunavut—Report on Development of Arctic Fisheries Industry.		Hon. Nick G. Sibbeston .....	1229
Hon. Gerald J. Comeau .....	1223	<b>The Senate</b>	
Hon. Jack Austin .....	1224	Rules of the Senate—Motion to Change Rule 135—	
<b>Heritage</b>		Oath of Allegiance—Order Stands.	
State of National Art Gallery.		Hon. Raymond Lavigne .....	1230
Hon. Janis G. Johnson .....	1224	Hon. Terry Stratton .....	1230
Hon. Jack Austin .....	1224	<b>Need for Integrated Department of Foreign Affairs and</b>	
Review of Museums Policy—Request for Update.		<b>International Trade</b>	
Hon. Janis G. Johnson .....	1224	Inquiry—Debate Adjourned.	
Hon. Jack Austin .....	1224	Hon. Terry Stratton .....	1230
<b>Health</b>		<b>Changes to Budget 2005</b>	
Private and Public Delivery of Services		Inquiry—Debate Adjourned.	
Hon. Wilbert J. Keon .....	1224	Hon. Gerald J. Comeau .....	1230
Hon. Jack Austin .....	1224	Hon. Noël A. Kinsella .....	1233
		Hon. Fernand Robichaud .....	1233
		Hon. Terry Stratton .....	1234





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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

Thursday, May 12, 2005

THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, May 12, 2005

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### THE SENATE

##### SUPPORT OF THE OFFICIAL OPPOSITION

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, Parliament is now in a situation where there is great political uncertainty. In these extraordinary times, I want to assure Canadians that the Conservative opposition in the Senate is fully prepared to operate to expedite business where it is clearly in the public interest. That includes such bills as the Veterans Charter, Bill C-45, which we received on Tuesday of this week. We agreed to give the bill second reading immediately, waiving the usual notice provisions.

Honourable senators, this does not mean that we will stop doing our work. Due diligence is critical. Due diligence will continue, as it did, for example, last night when the Standing Senate Committee on National Finance heard testimony and completed its study of Bill C-45.

The opposition has demonstrated its willingness to take expedited action and will continue to do so where appropriate. In this regard, I am referring specifically to Bill C-13, dealing with amendments relating to DNA samples from criminals, and Bill C-40, which is a time-sensitive amendment to the Canada Grain Act and the Canada Transportation Act in order to implement World Trade Organization requirements. These two bills were passed earlier today by the other place. We will no doubt be receiving a message concerning them.

The critical element that I want to make perfectly clear is that Conservative senators in the opposition are here to do the work of the Senate. I have been in consultation with the Leader of the Government. I know that he wants to prosecute the government's agenda as well. Bill C-45 is a good example of the two sides working together, but it is equally important that the process of due diligence be underscored. We share that view.

I would place on the record that my colleagues and I are committed to seeing that the work gets done. We are prepared to sit tomorrow. We are prepared to sit Monday. We are prepared to sit every day, recognizing the extraordinary circumstances in which we find ourselves.

#### NEW BRUNSWICK

HAMPTON—FAMOUS SONS,  
JOHN PETERS HUMPHREY AND JOHN HOOPER

**Hon. Joseph A. Day:** Honourable senators, I would like to talk about two different items. On my way to the office this morning, I

passed, as I normally do, two monuments with which honourable senators are familiar. One is the work of art at the National Arts Centre called "Balancing" that features human figures on a board. The second is the bronze Terry Fox statue that appears just across the road from the Parliament Buildings. Both were rendered by artist John Hooper.

The second item, honourable senators, is that April 30 would have been the one-hundredth birthday of John Peters Humphrey. As honourable senators will know, Mr. Humphrey is credited with drafting the Universal Declaration of Human Rights.

Honourable senators, what brings these two items together? The answer is the Town of Hampton, New Brunswick.

John Hooper, the artist who produced these two works of art, moved from South Africa during the apartheid regime because he was not prepared to accept the violations of human rights that existed there. He moved to Hampton and became a world renowned artist.

John Peters Humphrey was born in Hampton, New Brunswick, and is buried in that community. He studied at McGill University and became a professor of law there before he was appointed as the first director of the human rights division at the United Nations.

Let me provide honourable senators with two quotes about John Humphrey. The first is from Eleanor Roosevelt, who said, "The Universal Declaration of Human Rights is the Magna Carta of mankind." The second comes from Nelson Mandela, who stated, "John Humphrey is the father of the modern human rights system."

Honourable senators, on April 30, the John Peters Humphrey Foundation had a sod-turning ceremony to commemorate John Peters Humphrey in Hampton. A work of art will be done by John Hooper and Hooper Studios. They are hoping that work of art will be unveiled on December 10 of this year, which is the International Day of Human Rights. I invite all honourable senators to attend, who I am sure will want to join with me in congratulating the Hampton John Peters Humphrey Foundation for this wonderful initiative in recognizing two well-known Canadians and great Hamptonians.

#### NATIONAL AWARENESS DAY OF FIBROMYALGIA AND CHRONIC FATIGUE SYNDROME

**Hon. Marjory LeBreton:** Honourable senators, today marks the National Awareness Day of Fibromyalgia and Chronic Fatigue Syndrome.



Fibromyalgia is a chronic disorder characterized by widespread musculoskeletal pain, fatigue and multiple tender points. People with this syndrome may also experience sleep disturbances, morning stiffness, irritable bowel syndrome, anxiety, cognitive problems — a foggy mind — and other symptoms.

There is no known cause and no cure, but more than 1 million Canadians battle FM and/or CFS.

The chronic and widespread pain of fibromyalgia and the neurological or immunological dysfunctions of chronic fatigue syndrome, if left untreated, often lead individuals to a state of disability and declining health. Depression and stress, with all their peripheral consequences, challenge these patients.

The cost to the federal and provincial governments is already in the billions of dollars per year, in addition to all the other related costs incurred by these sufferers. — In fact, for 500,000 patients, only a half to a third of the approximate 1 million to 1.5 million sufferers, it is estimated that it has cost a staggering \$9.3 billion when disability insurance or lost income tax, sales tax and volunteer contributions are factored in.

Honourable senators, if the situation is to improve for these Canadians, there exists an urgent need to: educate all citizens, medical and support practitioners, as well as patients and their families in the recognition of these chronic illnesses; expand research into these still present and relatively unknown diseases; continue to support FM-CFS Canada and others working together on behalf of the people affected.

• (1340)

## NATIONAL NURSING WEEK

**Hon. Joan Cook:** Honourable senators, in honour of National Nursing Week, I would like to pay tribute to a group of women and men whose work is integral to our nation's health care system.

Nurses, including registered nurses, licensed practical nurses and registered psychiatric nurses, represent one third of all health care professionals in Canada. In hospitals, public health settings, patients' homes and community centres, the priority of the nursing profession can be described as "patients first, safety always." This motto is the theme of this year's National Nursing Week.

Patient safety is a shared responsibility, and as the principal health care providers, 24 hours a day, seven days a week, nurses are ideally positioned to strengthen the safety net for patient care. Adequate staffing, both in terms of numbers and competencies, is key to ensuring better patient safety outcomes. Research indicates that hospitals with more nurses per client or a higher registered nurse skill mix have decreased mortality rates, lower rates of hospital readmission in the 30 days after discharge and shorter lengths of stay.

However, according to the Canadian Nurses Association, the escalating shortage of nurses, the use of inappropriate staffing practices, and the understaffing and "under-skilling" of health care services threaten patient safety. Such stressful work environments also contribute to the underutilization of continuing education and the mentoring of new graduates, both of which are critical to knowledge and skill development.

On Monday, May 9, Canadian nursing stakeholders released a report called *Building the Future: An integrated strategy for nursing human resources in Canada*. The report's recommendations include monitoring and planning the nursing workforce, and implementing effective and efficient mechanisms to address workload issues and improve patient, nurse and systems outcomes.

Honourable senators, as we tip our hats to nurses who provide care to us and our loved ones, we must remember that tackling the challenges in the nursing sector is essential to fulfilling our mandate to build and advance a safer health system for Canadians.

## MATERNAL AND CHILD HEALTH

**Hon. Mac Harb:** Honourable senators, April marked World Health Day and the launch of World Health Report 2005, which this year focuses on maternal and child health. The tragic reality is that every year 529,000 women around the world die from pregnancy or childbirth, and 10.6 million children die each year. Newborn babies less than one month old are at the greatest risk. Most of these deaths take place among the poorest of the poor in low and middle income countries. Sadly, 80 per cent of deaths in childbirth could have been treated with existing and inexpensive medical interventions if they had been available.

Canada has not ignored this problem. Over the last decade, CIDA has committed to work toward the improvement of the reproductive health and rights for all, especially poor women. Indeed, Canada has signed on to several important international conventions to promote maternal and child health, including the pivotal Millennium Development Goals.

However, as progressive and supportive as Canada has been, we need to do more. It is recognized that the Millennium Development Goals relating to child and maternal health will not be met unless there is a strong international commitment to take action and to invest the necessary resources to ensure that these mothers and their babies have access to emergency health care. Universal access to basic health care, including essential obstetric care, must be a goal of all strategies aimed at reducing child death and improving maternal health. Canada can lead the way by increasing our financial Official Development Program contributions to reach the United Nations' goal of 0.7 per cent of GNP by 2015, and further, by earmarking specific funds that would save motherhood and newborn care programs. We have made progress here at home. It is time to extend our effort and our resources on the international front.

## THE NEW WAR MUSEUM

**Hon. Francis William Mahovlich:** Honourable senators, I would like to speak today on the opening of the new Canadian War Museum. Every day that we sit in the Senate, the beautiful paintings that surround us depict and remind us of the times that Canada participated in the wars. Both Canadians and visitors alike can now get an in-depth study of Canada's place in history.

Raymond Moriyama's spectacular design for the War Museum is a gem and will be a major attraction for the city of Ottawa. Prime Minister Paul Martin said at the opening:

If you want to know what Canada is all about, enter the Canadian War Museum.

Famous Canadian artists such as Alex Colville, A.J. Casson and E.J. Hughes were commissioned to captivate the experiences and circumstances that the Canadian soldiers had to face on a daily basis. They have done just that. Their works are on display at the Lieutenant-Colonel John McCrae Gallery, along with wartime artists who recorded the war artistically as it was happening.

On display in the LeBreton Gallery is heavy equipment that the Royal Canadian Artillery has used over the past 150 years. There are also text panels explaining the role in history of each piece.

Honourable senators, both my wife and I spent a memorable afternoon touring the museum, and we were filled with awe and respect for our veterans. May the Canadian War Museum continue to serve as a daily homage to our Canadian veterans.

Vive le Canadiana!

[Translation]

## ROUTINE PROCEEDINGS

### CRIMINAL CODE

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Lise Bacon,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 12, 2005

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### NINTH REPORT

Your Committee, to which was referred Bill C-10, An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts, has, in obedience to the Order of Reference of Tuesday,

February 22, 2005, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

LISE BACON  
Chair

(For text of observations, see today's Journals of the Senate, p. 895.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Calbeck, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[English]

## CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION BILL

### REPORT OF COMMITTEE

**Hon. Donald H. Oliver,** Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, May 12, 2005

The Standing Senate Committee on National Finance has the honour to present its

#### TENTH REPORT

Your Committee, which was referred Bill C-45, An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts, has in obedience to the Order of Reference of Tuesday, May 10, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DONALD H. OLIVER  
Chair

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Dallaire, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.

• (1350)

[Translation]

## HIGHWAY 30 COMPLETION BRIDGES BILL

### FIRST READING

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government)** presented Bill S-31, to authorize the construction and maintenance of a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal for the purpose of completing Highway 30.



Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

[English]

**CRIMINAL CODE  
DNA IDENTIFICATION ACT  
NATIONAL DEFENCE ACT**

**BILL TO AMEND—FIRST READING**

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-13, to amend the Criminal Code, the DNA Identification Act and the National Defence Act, to which they desire the concurrence of the Senate.

Bill read first time.

**The Hon. the Speaker:** When shall this bill be read the second time?

On motion of Senator Pearson, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

**CANADA GRAIN ACT  
CANADA TRANSPORTATION ACT**

**BILL TO AMEND—FIRST READING**

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-40, to amend the Canada Grain Act and the Canada Transportation Act.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Mitchell, bill placed on the Orders of the Day for second reading two days hence.

[English]

**MARRIAGE (PROHIBITED DEGREES) ACT  
INTERPRETATION ACT**

**BILL TO AMEND—FIRST READING**

**Hon. Anne C. Cools:** Honourable senators, I have the honour to present Bill S-32, to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage.

Bill read first time.

**The Hon. the Speaker:** When shall this bill be read the second time?

On motion of Senator Cools, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

**INTER-PARLIAMENTARY FORUM OF THE AMERICAS**

**ELEVENTH EXECUTIVE COMMITTEE MEETING,  
FEBRUARY 11-12, 2005—REPORT TABLED**

**Hon. Céline Hervieux-Payette:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the meeting of the Executive Committee of the Inter-Parliamentary Forum of the Americas held in San José, Costa Rica, from February 11 to 12, 2005.

[English]

**ENERGY, THE ENVIRONMENT  
AND NATURAL RESOURCES**

**NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO MEET**

**Hon. Tommy Banks:** Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be instructed and empowered to meet at 9 a.m. on Tuesday, May 17, 2005, for the purpose of clause-by-clause study of Bill C-15.

**QUESTION PERIOD**

**NATIONAL REVENUE**

**UNIVERSITIES—APPLICATION OF GOODS AND  
SERVICES TAX TO STUDENT MEAL PLANS**

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. Last week, it was disclosed that several universities may not be properly applying the GST to meal plans for students that include meals consumed off campus. The students could potentially owe the Canada Revenue Agency millions of dollars in taxes that the government says should have been collected, but were not.

Given that this primarily results in problems for the students and concerns finances of post-secondary institutions, is the Government of Canada prepared to waive any potential liability for taxes that were not collected as a result of confusion over the rules?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, this is the type of question for which I would appreciate notice. I do not have any information with respect to this issue, and I have not seen the report in question.

## PARLIAMENT

## CORRUPTION AND SCANDAL IN GOVERNMENT

**Hon. Terry Stratton (Deputy Leader of the Opposition):** My question is addressed to the Leader of the Government in the Senate. Honourable senators, this Liberal government has subjected Canadians to far too many years of poor judgment and scandal after scandal. The APEC inquiry into allegations that the RCMP pepper-sprayed protesters at the November 1997 conference in Vancouver found that the Prime Minister's office played an improper role in giving instructions to the RCMP to clear the motorcade route quickly, using force if necessary. Jean Chrétien's comment was, and I quote:

For me, pepper, I put it on my plate.

There was also the following: a Red Book promise to cancel the privatization of Pearson airport that cost hundreds of millions of dollars in damages and legal costs, not to mention economic loss due to slowed air traffic at the airport; the GST flip-flop, which Senator Austin may be willing to flip on once more, judging from his comments yesterday in this chamber; and the spending of \$1.24 billion a day in taxpayers' money since Paul Martin's televised speech to Canadians not to put him out of a job. This abuse of Canadians' money might be the most scandalous of all, and could lead Canada into deep deficit positions.

Rather than ignoring my questions and grandstanding on how this Liberal government can spend money faster than any that has gone before, will the Leader of the Government tell us when these scandals will stop? Will the end come only when Canadians choose to replace this government?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is always of some interest to listen to Senator Stratton's political rhetoric. Senator Stratton, of course, has only one eye and one ear with respect to what goes on in public life in Canada. He has no idea of the valuable programs which the Government of Canada has placed before the Canadian people in the budget and otherwise. He obviously cares nothing for child care. He cares nothing for the funding of cities. He has no interest in health services to Canadians. He cares very little for Darfur and the issues Canada is bringing to bear in this very important crisis in Africa. I could go on with a very long list of things that do not preoccupy Senator Stratton.

• (1400)

What he wants to do is to raise a set of issues from the past and misrepresent their conclusions and their standing in Canadian public life. That is his privilege. This chamber permits political rhetoric. I do not dispute his entitlement to do that.

I want to add, however, that this government has profoundly changed the direction of our society by enhancing the values of Canadians, their care and concern for one another through the social programs we have placed. The opposition and their leader do not want to support a budget with any of these values.

My honourable friend hungers for political power, play-acts when showing his emotions, tries to bring down a government that he cannot possibly replace in any successful way, wants to ally himself with the Bloc in order to destroy Canadian national unity, and worries about a list of issues from the Canadian past. I

expect he will be back in Mackenzie King's era before too long with comments about the conduct of Liberal governments.

**Senator LeBreton:** You are the ones who are so sensitive to that issue.

**Senator Stratton:** If I may, that was a wonderfully substantial list of rhetoric, if I ever heard one. We will get back to your supplementary response yesterday on the GST. I say that I will never forget kazooes.

Do not worry about the dignity of this place, and do not worry about what the government has done with all that wonderful money it is spending at the rate of \$1.24 billion a day. What about before the crisis of survival as a government? You never thought of any of this. The government did not have it in the budget. You only conveniently remembered, and put it in afterwards. For the most part, it came afterwards.

**Senator Austin:** What are you talking about?

**Senator Stratton:** Read the stack of paper, the props yesterday that your deputy whip brought forward. Some set of props.

Honourable senators, I will ask a question. Today Roy MacGregor quoted the Liberal Party strategist, Keith Davey, as saying,

Remember, a leader is never cooked until people start to laugh at him.

Mr. MacGregor then wrote,

It is a sound heard previously by the likes of Joe Clark, John Turner and Kim Campbell... And if you listen closely in Ottawa these days, beyond all the shouting, there is a growing sound in the distance.

Snickering.

Canadians are laughing at this Prime Minister and his government. Can the Leader of the Government hear it?

Once more, will the Leader of the Government tell us, with regard to this continuing corruption and this never-ending scandal, when will it stop? When will you say, "We are responsible, we will resign and call an election," as you should?

**Senator Austin:** Honourable senators, first of all, to take up Senator Stratton's last point, I think he must have been out of the country when the Prime Minister spoke to Canadians on television. At that time he explained the position of this government, said that he took responsibility, as Prime Minister, for dealing with the issue, which he has done completely.

The reason we are getting evidence under the auspices of the Gomery commission is that we put the Gomery commission in place. We gave it a mandate. We said, "Get to the bottom of this matter." This is the kind of political culture that we do not want in Canada. The government did that; the Prime Minister did that,



and of course the opposition does not want to know anything about it. You do not want to know anything about the evidence or the balance. You have made up your mind already. You have written the judgment, as I said yesterday. You want to hang the accused before the judge has brought down a judgment.

With respect to the rest of the question by Senator Stratton, if I can dignify it as a question, or at least in response to the political rhetoric, first of all I want to tell you that I was here during the GST debate. There are not many in this chamber who can say that today. There were no kazooos in this chamber. I was here. There were whistles, there were triangles, but there were no kazooos.

**Senator Stratton:** Forgive me. Whistles and triangles, but no kazooos. That is dignity?

**Senator Austin:** Your facts are wrong. It is not the same thing.

What I want to say is that everyone in Canada knows that Mr. Harper and his caucus are trying to bring the government down. That is their right to try. We have a procedure with respect to a confidence vote in the other place, and this government has stepped up to its responsibility and picked a date, May 19, 2005, for the holding of a formal vote of non-confidence at second reading of the government's budget.

Honourable senators, that is taking responsibility. That is saying to the Canadian people, "This Parliament either works or we go to the country."

**Senator LeBreton:** Why did you not put the budget before Parliament today?

**Hon. Gerry St. Germain:** I hear what the Leader of the Government in the Senate is saying. I am at the point where I have just given up on his party.

The point is that the leader will not recognize the corruption that has infiltrated his party. The government has gone out on a spending spree that has been described as totally ridiculous. The leader talks about child care. This is a backroom deal in Toronto with Buzz Hargrove and the NDP. You have been defeated in the House on a motion that is debatable as to whether or not it is a motion of confidence.

The question I must ask the leader is this: If the government was really intent on getting to the bottom of the corruption in the Liberal Party, why would you not have established a judicial inquiry? My understanding is that there is a reference in the Gomery commission, section K, that inhibits the criminal process from going forward. Can the leader explain that?

Senator Austin, you are from British Columbia. Traditionally, up to now, you have always done things in a very honest and straightforward way, and I hope you will answer that question in the same manner.

**Senator Austin:** Honourable senators, first of all, I absolutely reject my good friend Senator St. Germain's comment to the

effect, "You have been honest up to now, but I really have doubts as to whether you will be honest, going forward."

**Senator St. Germain:** I just asked that you continue so. Do not mince words.

**Senator Austin:** Of course I will continue, but the honourable senator put the matter into question, and you have no right to do that. If you find me below your standards of political behaviour, let me know.

**Senator St. Germain:** You are a Liberal.

**Senator Austin:** Now as to the question, the government put a judge in charge of a commission of inquiry under the Inquiries Act, and the government also disclosed all the facts it had to the RCMP. As all of us know, the RCMP is responsible for criminal investigations, and for bringing criminal charges to the Attorney General of the province in question. That is the process, and there is no question with respect to the facts.

Honourable senators, with respect to the suggestion that this government is on a spending spree, let me first of all tell you that this government has a commitment not to go into deficit, and this government has no intention of doing so. The Minister of Finance will be making clear the total budget changes that have been made.

• (1410)

**Hon. David Tkachuk:** To which minister does the honourable senator refer?

**Senator Austin:** The minister is the honourable senator's colleague from Saskatchewan, the Honourable Ralph Goodale, who is a superb Minister of Finance that Canadians respect.

Honourable senators, I understand why the Conservative members cannot agree with us; they are Conservatives, and we are Liberals. Liberals have a social conscience, and Conservatives do not have a social conscience, they are simply politically hungry. They see the opportunity to defeat this government eroding day by day as the Canadian people understand how shallow their policy framework is. Conservatives have nothing to tell the Canadian people but negativity, negativity, negativity, or they will do what the Liberals are doing because the Liberals are the only party thinking about social policy. The Liberals are the only ones thinking about Canadians and what Canadians need. The Liberals have delivered enormous support to the farm community, as Senator Fairbairn has said, and to many other sectors of Canadian society.

Honourable senators, the two sides could continue to quarrel but I thank Senator Prud'homme for reminding the house that this is Question Period. I also want it to be answer period, which is what I am trying to do, to answer questions that are red herrings running in every possible direction — or is it rabbits; I cannot remember the metaphor.

## FOREIGN AFFAIRS

SUDAN—RESPONSE TO SITUATION IN DARFUR—  
ARRANGEMENT BETWEEN GOVERNMENT  
AND MEMBER OF PARLIAMENT  
FOR EDMONTON—MILL WOODS—BEAUMONT

**Hon. Gerry St. Germain:** Honourable senators, I have posed questions before to the Leader of the Government in the Senate about the situation in Darfur. When the Prime Minister travelled there, I was concerned that other countries of the world would do nothing and the UN would do nothing, as happened in Rwanda. Now, nothing will happen until Member of Parliament David Kilgour's alleged deal with the Prime Minister with respect to sending troops into Darfur is fulfilled. The leader talks about integrity, and yet it takes a crisis situation in the House of Commons on a question of confidence to trigger some activity. Why did this activity not occur before? Senator Dallaire sits in this house and is well aware of what happened in Rwanda. I have cited the same possibility for Sudan. What has been done: only a trip to Darfur that amounted to a photo-op for the Prime Minister. Nothing happened until, all of a sudden the Honourable David Kilgour, Member of Parliament for Edmonton—Mill Woods—Beaumont, decided that perhaps he should make a deal in respect of his vote on a confidence issue in the House of Commons.

Honourable senators, is this the way that business is done in Canada? I do not believe so. This is not the way a Conservative government would do business. It has never done things like that and never would do such things. I would like the Honourable Leader of the Government in the Senate to reply.

**Hon. Jack Austin (Leader of the Government):** I am sure.

**Senator St. Germain:** I would like him to comment without rhetoric, please.

**Senator Austin:** I welcome the part of the statement that invites my comment. Senator St. Germain is spinning things and that is not the case.

**Senator St. Germain:** It is the truth.

**Senator Austin:** The government has been involved in the Darfur file for a long time.

**Senator St. Germain:** It has done nothing.

**Senator Austin:** The government was involved in the Darfur file long before any of the events of the last week or two. There is no question that the Honourable David Kilgour, a member in the other place, has concern for Sudan and Darfur. We welcome his expressions of concern but the government's actions with respect to Darfur are not based on political pressure from any one member of Parliament. Rather, they are based on a realistic assessment of the situation in that part of the world and what Canada is able to do.

Honourable senators, Canada is a leader in the world community in dealing with the situation in Darfur. No other country is ahead of us in respect of concern for, or financial commitment to, Darfur and Sudan.

**Senator St. Germain:** What has the government done?

**Senator Austin:** The government has done a great deal, such as supply helicopters to the African Union to help make its missions possible.

**Senator St. Germain:** They do not fly.

**Senator Austin:** The government has pledged today \$198 million in new humanitarian support for the African Union mission in Sudan. Of this, \$170 million is in military and technical assistance to the African Union, and \$28 million of the \$90 million announced at the Oslo Donors' Conference on Sudan 2005 in April will help to support internally displaced persons and refugees in Darfur.

**Senator St. Germain:** When will the money be given?

**Senator Austin:** Honourable senators, I wish that there could be no heckling on a subject of such significance. Please allow me to tell the house where Canada stands in this highly important policy area. The United Nations and countries involved in trying to deal with Darfur have agreed that the African Union — the organization of African states that takes responsibility for security in Africa — will act in a physical way to try to bring about a stable situation in Darfur without the cost of lives. The African Union has made it clear to the world community that it does not welcome troops from any part of the world, except Africa. Canada cannot put military troops on the ground because there is no agreement, and because there is an expressed position by the African Union against any country doing so.

**Senator St. Germain:** With all due respect, I am sure the honourable leader realizes that this is a replay of Rwanda.

**Senator Austin:** Canada has placed technical and policing personnel in that area, as well as advisers to the African Union. The government is making every effort toward stabilizing the situation in Darfur. Canada has undertaken a high level of diplomatic initiative to try to persuade other UN countries to put people on the ground to help the African Union.

Honourable senators, I could continue and provide considerable information about what the government has accomplished since the UN Security Council resolution on March 24, 2005. No other country in the world has been quicker to produce financial and human resources for Darfur, and no other country has matched Canada's budget for the Darfur effort. The Prime Minister announced today a strategic advisory group to be headed by Ambassador Fowler, and including Senator Dallaire and Senator Jaffer. They will work in a highly committed way through the balance of this year as the Canadian government's representatives in respect of issues in Darfur.

## JUSTICE

COMMISSION OF INQUIRY INTO SPONSORSHIP  
PROGRAM AND ADVERTISING ACTIVITIES—  
REIMBURSEMENT OF CONTRIBUTIONS  
TO LIBERAL PARTY

**Hon. David Tkachuk:** Honourable senators, for a party that has continued to pooh-pooh the Gomery commission and claims to have done nothing, here is the Liberal logic: No true problems have been exposed by the Gomery commission but they will set up a trust fund so they can pay back money, just in case. Today, *The*



*Globe and Mail* reported that the Liberal Party of Canada is considering setting up a trust fund to reimburse sponsorship money that ended up in party coffers. Could the government leader confirm the accuracy of this report?

**Hon. Jack Austin (Leader of the Government):** My answer to the honourable senator's question is: If funds were improperly paid for which the Liberal Party is liable, then the Liberal Party is good for the debt.

• (1420)

**Senator Tkachuk:** More than a year has now passed since the Prime Minister was reported in the *Winnipeg Free Press* of March 6, 2004 as saying, "We need to make it very clear that in fact we will put the money into trust."

The same article also reports that Jean Lapierre said that the \$650,000 given to the party by the eight advertising agencies — honourable senators will remember that was at the time of March 6, 2004 — that benefited from the sponsorship program would be put into a special account until the head of the judicial inquiry — which we do not have, but we have the Gomery inquiry — determined how much, if any, of the money was linked to the scandal.

Were Jean Lapierre and the Prime Minister referring to the same account, or are they two different ones?

**Senator Austin:** I will just repeat my answer, honourable senators.

**Senator Tkachuk:** I have one more question. Has the Liberal Party of Canada, since it suspects that it may have received illegal funds, called in the RCMP to its headquarters to investigate the money that they have received, and have they started an internal investigation in the Liberal Party of Canada to see if the money they have received — and they obviously suspect that they may have received it — is all legal money or does it belong to the taxpayers of Canada?

**Senator Austin:** Honourable senators, I have gone as far as I can in answering the question. I do not speak for the Liberal Party of Canada. I speak for the Government of Canada.

**Senator Tkachuk:** Who does?

## FOREIGN AFFAIRS

### BILL TO AMEND FOREIGN AFFAIRS AND INTERNATIONAL TRADE ACT— DEFEAT IN THE HOUSE OF COMMONS

**Hon. Marcel Prud'homme:** Keeping in mind that it is Question Period and not just a debate, I will go directly to the question.

We talk a lot about respect for Parliament and this institution, and especially reform of the House of Commons. We all know that Bill C-32, to amend the Department of Foreign Affairs and International Trade Act and to make consequential amendments to other acts, has been defeated in the House of Commons.

This morning, I attended a three-hour meeting of the Foreign Affairs Committee of the House of Commons. The very distinguished Mr. Jocelyn Coulon — who was at the Pearson Peacekeeping Centre — is an ex-member of *Le Devoir*, and is very

well known in Quebec, though perhaps not in Canada appeared along with Mr. Derek Burney, Senior Distinguished Fellow at Carleton University. The two men vigorously asked questions about the decision of continuing the organization of a new trade department, even though the House of Commons had voted the bill down.

In the Department of Foreign Affairs, work is still continuing on this new trade department because they feel they have to, even though everyone there disagrees. As Mr. Burney said this morning, the only *raison d'être* of this new department we can find is for the glory of International Trade Minister Jim Peterson. I regret to be personal, but it is not me who said it, and everyone at the Department of Foreign Affairs has said it. They are still continuing, regardless of the fact that the bill was defeated in the House of Commons, and now everything is jeopardized at Foreign Affairs.

I came into this institution, both the House and the Senate, because I had international preoccupations. I am proud of our Department of Foreign Affairs. I am proud of our people who work in foreign affairs, including the people who work in trade and the people who represent us everywhere — 16 departments I believe are related to world affairs. Why has this split of the department not been stopped?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, first of all, I join with Senator Prud'homme in pride and support for the people who work in Foreign Affairs and International Trade. We have one of the finest foreign affairs and trade services in the world.

As to the balance of, Senator Prud'homme's question, we have had this exchange in this chamber before. As you are well aware, because you understand the difference between legislative advice and executive responsibility, the government has passed the Orders-in-Council, as it is entitled to do under the Statutes of Canada, to divide those two departments; and for the time being, it is continuing with its policy of so doing.

I understand very well the controversy that people who are interested in machinery-of-government questions have raised with respect to the division. I have no doubt that this discussion will go on a while longer, and the government is listening. However, for the time being, the government is continuing with the decision it has taken, and appraising the ongoing situation.

**Senator Prud'homme:** The government has the authority, yes, but what was the reason for making a joke out of the House of Commons by referring Bill C-32 for discussion and disposition and not following the outcome when it was defeated? How can we reconcile exactly what Senator Austin just said? How can he reconcile for us the fact that what was decided by Order-in-Council was turned down by Parliament when it was consulted? What is the use of laughing at the House of Commons' decision, when they decided to say no? I still try, and I am not the only one. Hundreds and thousands of people involved in foreign affairs are asking themselves the same question. We have not found one person who agrees.

Imagine that Allan Gotlieb and I are on the same side of an issue. There must be some trouble somewhere.

**Hon. Senators:** Hear, hear!

**Senator Austin:** I will not reflect on the relationship of Senator Prud'homme and Allan Gotlieb, both distinguished Canadians. I do want to answer Senator Prud'homme's question quite directly.

The long-standing practice in machinery of government is to have departments organized by statute, and the government prefers a statute that discretely sets out the mandate of a department and the authority of the minister and the deputy minister.

However, there is a statute in place, as well, that gives the Government of Canada the ability to organize the machinery of government as it wishes. That is the statute and the authority under which the government has acted in this particular case.

The view expressed by the House of Commons is one that has to be taken seriously, but as Senator Prud'homme knows, the current government is in a minority position in the other place. The government supporters supported the legislation, Bill C-31 and Bill C-32; opposition members did not. We have the views of the opposition with respect to this situation, but again, the long-standing constitutional and legal practice is that machinery of government is the prerogative of the Prime Minister and of the executive.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, I have the honour to present a delayed answer in response to an oral question raised in the Senate on March 21, 2005 by Senator Keon, regarding the visit of Prime Minister Martin to the United States of America.

#### HEALTH

##### MEETING WITH UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES— SALE OF PRESCRIPTION DRUGS— HANDLING OF COX-2 INHIBITORS

*(Response to question raised by Hon. Wilbert J. Keon on March 21, 2005)*

While cross-border drug sales was not formally included on the agenda, it could have been raised in an informal discussion. If this issue was raised, the Government of Canada would have made its position clear: All appropriate action will be taken to protect Canadians' access to safe and affordable medicine.

We have also made it clear that our drug price regime is not on the table. Canada's drug prices are in line with the median of prices in European countries. Finally, we have reiterated our willingness to have drug regulatory authorities in both Canada and the U.S. collaborate on issues of common interest.

During his March 17, 2005 meeting in Washington with Health and Human Services Secretary Michael Leavitt, Minister Dosanjh spoke generally about the options he is considering to address Internet pharmacies and repeated his public comments on supply and ethics. These concerns were shared by Secretary Leavitt.

[English]

#### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, we have with us today pages visiting from the House of Commons. I would like to introduce Cameron Jelinski of Prince Albert, Saskatchewan. He is enrolled at the faculty of social sciences at the University of Ottawa, and he is majoring in political science. Welcome.

As well, Hollie McLean from Bathurst, New Brunswick, is with us. She is enrolled in the faculty of social sciences at the University of Ottawa, majoring in international development and globalization. Welcome.

#### POINT OF ORDER

**Hon. Roméo Antonius Dallaire:** I was listening earlier to comments in regard to Canadian participation in or concern for the Darfur catastrophe.

• (1430)

The Honourable Senator St. Germain raised the Rwandan genocide of 1994 as an example of the failure of the international community, and he asked what was being done about Darfur today. I am very pleased that the Rwandan genocide is still being raised as a point of discussion.

**The Hon. the Speaker:** Senator Dallaire, there are some who are wondering whether you will get to your point of order. It sounds more like a correction of the record at this point. We need a point of order.

**Senator Dallaire:** The point of order is that this catastrophic failure of humanity has become an exercise in political intrigue for this government and the people of Canada, when in fact hundreds of thousands of people lost their lives.

**The Hon. the Speaker:** Honourable senators, I have allowed Senator Dallaire a certain leeway. He has not been in this house long and does not come with a history of parliamentary experience.

Senator Dallaire, I think your comment is just that and not a point of order.



[Translation]

## ORDERS OF THE DAY

### CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION BILL

#### THIRD READING

**Hon. Roméo Antonius Dallaire** moved third reading of Bill C-45, to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts.

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, it was understood that the Honourable Senator Dallaire would be moving the third reading and that the Honourable Senator Oliver would be speaking. I wanted to make sure that, as the sponsor of the bill, the Honourable Senator Dallaire would not lose his right to speak, since he simply moved third reading.

[English]

**The Hon. the Speaker:** I recognized Senator Dallaire because he was the mover of the motion.

Is it understood, honourable senators, that Senator Oliver will speak first?

**Hon. Senators:** Agreed.

**Hon. Donald H. Oliver:** Honourable senators, I appreciate this opportunity to present for third reading Bill C-45, the proposed Canadian Forces Members and Veterans Re-establishment and Compensation Act. As honourable senators know, Bill C-45 creates the blueprint for a new veterans charter for past and presently serving members of the Canadian Forces. New programs that will be implemented by Veterans Affairs Canada will ensure that our veterans receive the programs and services they deserve.

With the added importance of 2005 being the Year of the Veteran, and given that in the last few days Canadians and others have celebrated the sixtieth anniversary of VE-Day, it is only fitting that we pass this bill as soon as possible so that our veterans and serving Canadian Forces members can partake in these beneficial programs.

As honourable senators are aware, this bill received unanimous consent in the other place. In recognition of the importance of this legislation to the lives of thousands of Canadian Forces members and veterans, the Honourable Leader of the Opposition, Senator Noël Kinsella, moved that the Senate seek unanimous consent to proceed to second reading.

The Subcommittee on Veterans Affairs would have been the more suitable committee to study this legislation. However, members were travelling with the main committee, the Standing Senate Committee on National Security and Defence. That being the situation, I hasten to assure honourable senators that the Standing Senate Committee on National Finance did a very thorough job of examining this bill.

In spite of the short notice given, as a result of the hard work of the clerk and staff of the Standing Senate Committee on National Finance, last night committee members studied this bill with the help of invaluable testimony from a long list of witnesses. The Minister of Veterans Affairs, the Honourable Albina Guarnieri, appeared before the committee, along with officials from her department. The minister expressed her enthusiasm for this bill, saying:

It invests in opportunity rather than dependency. In Canada's Year of the Veteran, Canada is investing in years of potential and years of promise for every Canadian veteran.

In several instances, the minister was able to anticipate questions from the committee members. She indicated that she had read and studied the debate on second reading in this chamber.

This is true with respect to clause 9(2) of the bill, which gives a veteran 120 days from the date of release to make an application for rehabilitation services or vocational assistance. The reason for this cut-off was explained by the minister as necessary in order to get veterans into programs as quickly as possible after the end of their military service.

Also, the committee was told that this particular number was chosen because an existing rehabilitation program under the authority of the Chief of Defence Staff has a 120-day limit and the department did not want to create two standards.

The National Finance Committee also heard from a number of representatives of veterans' organizations across Canada. We heard, for example, from Mary-Ann Burdett, President of the Royal Canadian Legion; Ken Henderson, Dominion President of the Army, Navy and Air Force Veterans in Canada Association; and Cliff Chadderton in his role as President of the National Council of Veteran Associations. Also appearing before the committee was David Munroe, President of the Canadian Peacekeeping Veterans Association; Dr. Peter Neary, Chair of the Canadian Forces Advisory Council of Veterans Affairs Canada; and Colonel (Retired) Don Ethell, Honorary President of the Gulf War Veterans Association of Canada.

I am sure all honourable senators will agree that these individuals are eminently qualified to speak on general issues pertaining to veterans and on Bill C-45 in particular. They informed committee members that each of their organizations had been intimately involved in the consultations leading up to the drafting of this legislation. They gave the bill their wholehearted support.

Although Colonel Ethell of the Gulf War Veterans Association stated in evidence that he had some outstanding concerns surrounding the issue of lump sum payments, on the whole, the testimony from these witnesses was quite positive and encouraged the swift adoption of this bill.

The committee also heard from Harold Leduc, immediate past national President of the Canadian Peacekeeping Veterans Association, and Captain Sean Bruyee, a retired intelligence officer. These witnesses raised some deep reservations surrounding the bill. Captain Bruyee, in particular, brought

forward his fears that the new veterans charter will not do enough to help disabled veterans who suffer from complex mental trauma such as post-traumatic stress disorder. Although Mr. Leduc expressed several worries about the bill, including his belief that it should have established a Veterans Affairs ombudsman, he gave the bill his support in principle.

During their opportunity to question witnesses, honourable senators also raised important issues. For example, the Honourable Leader of the Opposition raised concerns about clause 2(5) of the bill, which states:

This Act does not apply in respect of a member's or a veteran's physical or mental health problem, disability or death if it is caused by a wilful self-inflicted injury or improper conduct...

This would indicate that the families of veterans who commit suicide will not be able to claim benefits provided under this legislation.

When Senator Kinsella asked the minister about this, she responded that the intent of the clause was to deny compensation to those who would intentionally harm themselves in the absence of causative disability for such purposes as avoiding service.

The minister then said that the bill contained a provision that would allow the minister to override the provisions where warranted. However, the departmental officials were not able to point to which sections of the bill would allow such interventions on the part of the minister.

• (1440)

Honourable senators, while recognizing that this bill is a step forward, we cannot ignore these issues. No piece of legislation is ever perfect, and this bill is no exception. However, I am confident that these and other concerns can be addressed and resolved in the future. Although the consultation process leading up to this new veterans charter has taken place over the course of several years, in many ways the bill before us today is just the beginning. It was described last night by Minister Guarnieri as "a living charter" which will be malleable and open to improvements in the future. I know I speak for all National Finance Committee members when I say that I very much hope that this will be the case.

I can think of no group better qualified to investigate any outstanding concerns than our own Senate Subcommittee on Veterans Affairs, ably chaired by Senator Meighen. Several senators who attended our meeting last night, namely Senator Atkins and the deputy chair of the committee, Senator Day, are members of that committee, and Senator Kinsella serves as an ex officio member. The Subcommittee on Veterans Affairs has a long-standing reputation for addressing veterans' issues, and it has a very knowledgeable chair, members and staff who will follow up with the minister in the years to come and ensure that veterans are being treated in a proper manner.

As the programs and services outlined in this new veterans charter evolve, the Subcommittee on Veterans Affairs will be able to address any deficiencies in this piece of legislation as they

surface. Senator Meighen, Chair of the Subcommittee on Veterans Affairs, shares my view that there are areas of need for improvement. However, it is important that we pass this legislation as soon as possible so that veterans can start to receive our support now.

Honourable senators, this charter is long overdue, and it is important that this bill not be lost in our current state of uncertainty in the other place.

[Translation]

**Senator Dallaire:** Honourable senators, this is an important and a historic day for veterans. Bill C-45, which pertains to the new veterans charter, will revolutionize the way we assist and pay tribute to the men and women who wear their country's uniform and engage in an extraordinary act of patriotism and selflessness. It is my fondest wish that the Senate will recognize all of its benefits and join our colleagues in the House of Commons in moving it along to the final step of Royal Assent.

Bill C-45 arrives at just the right moment, not only because 2005 is the year of the veteran, but because a new social contract was needed between Canada and its veterans. They need new programs and services to meet their realities in today's world. The changes proposed in the bill are just as relevant and important as those included in the veterans charter of some 60 years ago in order to meet veterans' needs after the Second World War and the Korean War.

[English]

As a veteran, it gives me particular peace of mind that many of my fellow veterans, as well as serving members of the Canadian Forces, their families, veterans organizations, experts and stakeholders, will continue to be consulted as the charter makes its journey through regulations over the next year, as well as during its implementation and beyond. It is a living document, and those who have been involved over these years in providing advice, consultation and, in fact, even reform orientations will continue to have an active part in ensuring that the implementation of this charter meets the spirit for which it was initially created.

I am also reassured that plans for communications to the Canadian Forces members, their families and veterans will not end with these focus groups nor consultations. A comprehensive plan is in place to ensure that Canadian Forces members, Canadian Forces veterans and their families can take full advantage of the substantial wellness benefits of this charter and that that information will be provided to them on a continuing basis through the different processes of mailing and information systems.

Veterans will get a comprehensive suite of programs and services to support themselves and their families in their times of need. They will have assurance that when they don the uniform of their country in the selfless manner in which they do, they will not be abandoned should they find themselves no longer able to carry out their work in their normal routine. They will know that they can continue to provide support for their loved ones. They will



have programs that encourage wellness and help them be productive members of society that they both want and, in fact deserve to be.

What will you be supporting with this bill? A rehabilitation program to help disabled veterans participate, to the best of their ability, at home, at work and in the community by offering physical, vocational and psychosocial rehabilitation.

[Translation]

Medical benefits supplementing those provided by the Department of National Defence and providing additional protection to eligible veterans experiencing difficulty re-entering civilian life and their families. This will ensure they do not fall through the cracks, as was the case with former procedures, for which there was no inter-departmental overlap.

[English]

Job search and transition training to provide all releasing Canadian Forces members with the independence and financial security that they deserve as veterans so qualified as having been released honourably and having a minimum of one year of trained service.

[Translation]

Assistance with earnings loss for those who face loss of income because they need to make use of rehabilitation services at the end of their service, be it short term assistance for those using the services or long term assistance for those who can no longer work.

[English]

Finally, a disability award program that offers a taxfree, lump sum payment of up to \$250,000, depending on the extent of the disability, to compensate Canadian Forces veterans for non-economic losses such as pain and suffering, a demand that has been in existence since the Second World War.

Honourable senators, last night, as so ably reported by Senator Oliver, was an experience in itself. Although the length of the sitting of nearly four and a half hours was, for some, a little long, the majority found it constantly interesting and, in fact, factual. We had World War II and Korean veterans sitting there with their medals and speaking out, not for themselves and the old charter and what it provides them — and will continue to provide them — but rather for the new generation of veterans who now make up their organizations. They were speaking in favour, with substantial support of the new innovative approaches that this bill and this charter will provide.

We also saw members of other veterans organizations, the Legion and individuals who make up the new generation of veterans who are in dire need of these substantive changes and reforms to the support that Veterans Affairs Canada can provide them and their families. In particular, we saw three of the new generation of injured veterans, three still suffering extensively from their injuries, those injuries being the most common injuries of our era due to these very complex and traumatic experiences in the field, namely, post-traumatic stress disorder. The impact of that injury is overwhelming and debilitating.

[ Senator Dallaire ]

The money and the new programs were brought in specifically to meet these new challenges of this new generation of injury and, in particular, to meet the demands of not only them but of their families who also suffer from the impact of these missions as they, contrary to the past, live these missions through the media and suffer the stresses and see the impact of those stresses on their loved ones.

Honourable senators, we owe so much to our Canadian Forces veterans. We ask a lot of them and their families. They are no longer in the Canadian Forces, training and waiting for a conflict, as in fact was the case so much during the Cold War. They are committed, deployed and at times even overcommitted into conflict areas where humanitarian catastrophes boggle the mind and the ability to manage and to master.

• (1450)

Do senators not agree that when veterans return to civilian life, sick in body, mind or spirit, that we owe them a complete response that speaks to their needs and their family's needs in the most holistic way possible?

I believe the proposed veterans charter recognizes the contributions of these veterans to Canada and the global community, to global peace and serenity for humanity. It will enable them to continue making contributions to their country long after their military service ends, and that is to the advantage of this nation and future generations.

We have the opportunity here and now to create a new legacy and history for those who serve and defend our country today, but specifically for those who will be coming in future years as this country continues to demand of its service personnel the utmost dedication and altruism in these most complex scenarios around the world.

Those who repeatedly place themselves in harm's way in a world that is increasingly strained by terrorism and conflict will feel supported and not abandoned nor fall through the cracks with this new bill.

In this, the Year of the Veteran, it is the right and just thing to do. This is the right time to do it. Let us not let them down; lest we forget.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I do not propose to speak to the substance of the legislation before us. I rise simply to thank Senator Oliver and the members of the Standing Senate Committee on National Finance for the work they did last night over more than four hours and for their dedication in organizing the report of the committee to the Senate today.

I wish to thank Senator Kinsella for his agreement to the rapid presentation and debate of this legislation to this chamber.

I also wish to thank Senator Dallaire for acting as sponsor of the bill and to say one thing to him: It is very rare for a person to come to the Senate and so quickly achieve one of their major legislative objectives. I do not want him to think it is this easy all the time.

**Some Hon. Senators:** Question!

**Hon. Marcel Prud'homme:** Some of my colleagues are calling for the question to be put. I understand there is an agreement among senators to pass this bill immediately. It was dealt with last night in committee. I see some senators smiling, saying, "Here goes Marcel, getting himself in trouble."

Honourable senators, the Senate is a house of reflection. I know the House of Commons adjourned yesterday and today and will adjourn most likely tomorrow and Monday and will come back Tuesday. There is to be a vote on the budget next Thursday.

Neither Senator Plamondon nor I were consulted in the agreement that was described earlier. I do not mean to say that we disagree with the speedy passage of Bill C-45. However, I would urge honourable senators to be careful, otherwise I will say no. I do not mean to say that we wanted to speak on this bill or to say no, but I wish to remind honourable senators that there are five members of the Progressive Conservative Party in the Senate, one member of the New Democratic Party and five independent senators. When I hear about agreements or sweet deals, including calls by the minister to me just a moment ago saying, "I hope you let it go," and everything else that goes with it, I am too old to accept that kind of urgency. That is my first point.

Second, I regret that we passed this bill so rapidly while the National Security and Defence Committee is travelling because its Subcommittee on Veterans Affairs is so involved in this subject.

I want Senator Dallaire to understand that I will not boycott this important legislation. I understand the nature of the urgency given the political situation. However, it is our duty as senators to be calm and to reflect. We should not rush just because we are dealing with veterans or because we feel that the damage done to the veterans last week by the political parties is such that we should make amends and apologize by saying, "Okay, let us hurry up and get back to normality."

Certain honourable senators on the Standing Senate Committee on National Security and Defence have devoted their lives to these causes. They are overseas at the moment. I would have been interested in hearing from Senator Meighen, a fine gentleman from a great political family, who is very involved with the veterans. Senator Kenny, the able chairman of that very expensive committee, is not here today, nor are the other members of that influential committee. When they return from their trip, they will of course be pleased to learn that the bill passed. However, I am positive that if they were here, they would have prolonged the debate at least until tonight.

I share the words of Senator Austin to Senator Dallaire. It is rare for new senators to have this much success. I look at Senator Dyck of the New Democratic Party, who will come forward with some of her major concerns, and I hope that we will act as

urgently for the people whom I call "the forgotten people of Manitoba and Saskatchewan." Anyone who visits Saskatchewan and Manitoba, as I have done over 100 times, will witness the disastrous situation of the First Nations people and the Metis. What are we doing? We are talking and we are chatting, but we are not doing much.

Do people realize that 13 per cent of the population in Saskatchewan and Manitoba are First Nations people? First Nations people occupy close to 49 per cent of the prison population in both of those provinces. Are we not sensitive enough to conclude that this problem needs to be addressed?

When Honourable Senator Dyck comes to this chamber with her special bill to address these questions, I hope that we will act as urgently as we have today for veterans.

My brother is a veteran. He abandoned his studies, much to the chagrin of my mother. He was not conscripted but rather was a volunteer who fought in Europe from 1939 until 1945. He was not killed. Maybe it would be more dramatic if he had died so I could get up and make a different kind of speech. I am happy to say, however, that he survived and married a European lady.

Honourable senators, I am sensitive to the issues of veterans. I am myself, to a certain degree, a veteran since I trained as cadet officer of the Provost Corps from Shilo, Manitoba. That is where my discipline comes from, although it looks as if I am at times undisciplined.

I am very happy to join in this effort, but I do not like the urgency that is put to us and the pressure placed upon us to act and act now. That is not the role of the Senate. However, in this case of this bill, of course we will all join together.

I know that I can talk to the veterans. After all, I came out of the hospital to help save the War Museum on Sussex Drive that was about to be stampeded by a Canadian group. I am the one who helped former Senator Orville Phillips save the War Museum on Sussex Street, in Ottawa, from being taken over by a group of individuals. I give no lesson, but I also take no lesson from anyone.

[Translation]

It is a great pleasure to congratulate Senator Dallaire. Our feelings about him are well known. We want to congratulate him on convincing the government. I hope other initiatives will go through the democratic process as quickly, especially through the Senate, the house of sober second thought.

**The Hon. the Acting Speaker:** It was moved by the Honourable Senator Dallaire, seconded by Senator Day, that this bill be now read the third time. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.



• (1500)

## BANKRUPTCY AND INSOLVENCY ACT

### BILL TO AMEND—SECOND READING— DEBATED ADJOURNED

**Hon. Michel Biron** moved second reading of Bill S-30, to amend the Bankruptcy and Insolvency Act (RRSP and RESP).

He said: Honourable senators, this bill excludes property held by a bankrupt in a registered retirement savings plan or a registered education savings plan from the property of the bankrupt that is divisible among the bankrupt's creditors, other than any amount contributed to the plan in the year preceding the bankruptcy.

[English]

In November 2003, after extensive hearings, the Standing Senate Committee on Banking, Trade and Commerce issued a report entitled *Debtors and Creditors Sharing the Burden: A Review of the Bankruptcy and Insolvency Act and Companies' Creditors Arrangement Act*. Within this report there is a review of the current situation facing the owners of registered retirement savings plans and registered education savings plans.

According to the committee, federal, provincial and territorial pension and insurance laws make registered pension plan and insurance policy proceeds exempt from execution and seizure. Therefore, the same exemption should be made available to the large number of individuals who own RRSPs. This would be of particular benefit to employees of small businesses who may lack a registered pension plan, or self-employed individuals with a modest income. The committee found the testimony of those witnesses who urge uniformity of treatment of retirement savings quite compelling.

[Translation]

The Personal Insolvency Task Force has stressed that the federal government has made a policy choice by providing incentives encouraging Canadians to plan for their retirement.

In fact, the federal government is encouraging Canadians to save for their retirement by providing tax incentives for RRSP contributions. Consequently, it is logical to protect RRSPs, and all forms of retirement savings, from creditors' claims in the event of a bankruptcy.

This protection is particularly important for non-pensioned employees and self-employed individuals. According to the Alberta Law Reform Institute, there is an unfairness in the exposure of non-insurance RRSPs, compared to the virtually complete protection of insurance RRSPs and annuities, and most pensions.

Essentially, the institute believes that both insurance and non-insurance RRSPs and DPSPs, and obligations to pay money out of such plans, should be totally exempt from all judgment creditors' remedies. No distinction should be drawn

among remedies nor should the exemption be different between insurance and non-insurance products.

Finally, noting that many, and perhaps most, debtors have no RRSP or have already collapsed it, the Institute argued that the practical impact of a total exemption is likely to be minimal in most situations.

The committee found arguments made by those witnesses who urged uniformity of treatment of retirement savings quite compelling. In its view, the public interest is served when Canadians save for their retirement.

While some Canadians are able to do so through a registered pension plan available as deferred compensation from their employer, perhaps augmented by private savings and registered retirement savings plans, those who do not have access to a registered pension plan and those who are self-employed must rely on RRSPs.

Fairness to creditors requires that contributions in the year prior to bankruptcy, when the funds could reasonably have been used to pay debts, be paid to the trustee for distribution to debtors.

RESPs should be exempt from seizure in bankruptcy, since the potential loss to the government and to students is greater than the potential loss to creditors. This was shown by the federal government which, recognizing the benefits of educating its citizens, created the Canada Education Savings Grant in 1998, and by the testimony of the RESP dealers, who calculated that the maximum that would be shielded from creditors over an average plan duration of 15 years would be \$19,640 in principal, interest and Canada Education Savings Grants contributions.

The committee also supported the notion of a highly educated workforce and believed that there is a federal role in this. Accordingly, the committee felt that the Bankruptcy and Insolvency Act should be amended to exempt funds in a Registered Education Savings Plan from seizure in bankruptcy. The committee felt that fairness for creditors suggested that the moneys available for distribution to them should be as great as is reasonably possible and that, as in the case of RRSPs, contributions made in the year prior to bankruptcy should be available to satisfy creditors' claims since those contributions could reasonably have been available to pay off debts.

• (1510)

[English]

This proposed bill would have a positive impact on the owners of registered retirement savings plans by assuring them that the funds they have put aside for their future would be protected in the event of a bankruptcy. The parents of children owning a registered education savings plan would also be confident that their children's future is protected.

[Translation]

Honourable senators, your support for this bill will illustrate your determination to resolve the concerns of Canadians and demonstrate your commitment to your social responsibilities. For these reasons, I am asking you, honourable senators, to support this bill.

On motion of Senator Stratton, debate adjourned.

[English]

## NATIONAL BLOOD DONOR WEEK BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Christensen, for the second reading of Bill S-29, respecting a National Blood Donor Week.—(*Honourable Senator Stratton*)

**Hon. Ethel Cochrane:** Honourable senators, it is a pleasure to rise today to echo the comments made by the Honourable Senator Milne, who spoke last week on behalf of Senator Mercer concerning Bill S-29, respecting a National Blood Donor Week. In supporting a National Blood Donor Week in Canada, we will join citizens around the world in celebrating donations of blood, plasma, platelets and bone marrow, which are true acts of kindness. We will be raising awareness of the ongoing need for all of these blood products, not just in June but on every single day of the year.

Canada has a long history of supporting blood donation dating back to World War II. Between 1940 and 1945, the Blood for the Wounded program collected over 2.4 million units of blood from a population of just 11.5 million people. That was a per capita rate three to four times higher than the United States or Great Britain. Canadians made a contribution then, and they continue to contribute to this worthy cause today.

Honourable senators, I would like to take a moment to give you an idea of the scope of the blood system in Canada. Donations are gathered at a total of 45 permanent collection sites and more than 17,000 special mobile units that are held annually across the country. These are operated by almost 6,000 employees and in excess of 40,000 volunteers. The end result in yearly blood collection is nearly 1.1 million units of blood from over half a million donors. That is our blood system.

Senator Milne mentioned two examples of why it is so important to donate blood. Another example is with respect to a firefighter called "Gary", who gave blood over five times in 25 years. Then the tables turned. He was told that he had a type of bone marrow cancer known as MDS. In addition to transfusions of blood products, Gary was able to be matched with a blood marrow donor through the International Bone Marrow Registry. That gift of bone marrow, which he received in 1998 from someone he had never met, has allowed him to continue to fight the disease and live to tell his story. This is just another example from among thousands of how the blood system has a potential to make such a huge difference in someone's life.

With success, of course, also come challenges. The two blood operators collect their annual 1.1 million units of blood from less than four per cent of the eligible population. Just four per cent of those who can donate actually give blood on a regular basis. This percentage must increase. With the help of this bill, Canadians will realize that they can no longer wait for their neighbour to donate blood. They will know that by giving just an hour or so of their time two or three times a year, they can make a difference in someone's life; a difference that can last forever.

Honourable senators, this bill will provide us with the opportunity to celebrate the donors and the volunteers of the blood systems in Canada and to encourage other Canadians to join the movement of everyday heroes. What better gift to give than the gift of your health? What better gift than the most precious gift of all, the gift of life?

On motion of Senator Stratton, debate adjourned.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### THIRD REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament (conflict of interest code for senators), tabled in the Senate on May 11, 2005.—(*Honourable Senator Smith, P.C.*)

**Hon. David P. Smith** moved the adoption of the report.

He said: The package out of which the code flowed was released in the fall of 2002. These comments are just by way of background.

Bill C-4 was assented to in March of 2004, and the House of Commons put their code in place prior to the last election. We have taken longer, but I think the end product is better, and fairer.

**Senator Robichaud:** I agree to that.

**Senator Smith:** I might refer to the purposes, which are spelled out on the first page of the code as follows:

1. The purposes of this Code are to
  - (a) maintain and enhance public confidence and trust in the integrity of Senators and the Senate;
  - (b) provide for greater certainty and guidance for Senators when dealing with issues that may present foreseeable real or apparent conflicts of interest; and
  - (c) establish clear standards and a transparent system by which questions relating to proper conduct may be addressed by an independent, non-partisan adviser.



Several principles are involved here. I will not refer to all of them, but some of the principles that we very much kept in mind are that senators are expected to remain members of their communities and serve the public interest there; to fulfill their public duties while upholding the highest standards so as to avoid conflicts of interest; and to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising.

(1) The Senate further declares that this Code shall be interpreted and administered so that Senators and their families shall be afforded a reasonable expectation of privacy.

• (1520)

A number of quite significant things have been changed on the original draft. First, we had consensus at the outset that we should have our own Senate Ethics Officer, and that we did not want to share one with the House of Commons. We thought there was a concept of conflict there. As well, we did not want to share one with the Order-in-Council appointments. The ethics officer who ministers to the Commons also does the same for the Order-in-Council appointments. We wanted an ethics officer for the Senate; we made that point, and we were successful and had it changed.

We had an extensive consultation process. We had several all-senator meetings. Some of them were extremely lively, to put it mildly, and we established a drafting committee that was ably chaired by Senator Fraser. I served on the drafting committee, together with Senator Di Nino, and we worked all last summer on an ad hoc basis through the next draft. As a result, we developed quite a number of changes because we came back with our draft and then worked through it with the whole committee, clause by clause.

Honourable senators, I will now refer to a few of the issues that were very important to a good many senators. First, family member disclosures have been significantly modified. The original draft was more or less the same as the one for the House of Commons, which was such that family members defined as spouses, common-law partners, and dependent children disclosed private interests, both confidentially and publicly, on the same basis as did senators. The fact is that there is no law that can impose such a duty on a spouse, therefore what is the benefit? Is that an invasion of privacy?

We had a number of senators make the point that they were not aware of many of their spouses' holdings. I feel that what we wound up with was a fair approach, which is that spouses who wish to consult with the Senate Ethics Officer and wish to make whatever disclosures they choose will be received by the Senate Ethics Officer, who will give them advice and consult with them. However, if they choose not to do so, they are not obliged to do so.

This does not let the senator off the hook, though, because if a senator knows that his or her spouse has an asset from which they would greatly benefit if certain matters were being dealt with, they still have an obligation to make a declaration. It is just that we are not requiring spouses to fill out all of these forms, but if they seek advice they can get it.

Another issue is that disclosure for senators was restructured and simplified. By and large, values need to be confidentially disclosed. No values really need to be confidentially disclosed with the exception of contracts with the government. Contracts with the government are a special category, but apart from that we do not need to get into values. Something can be identified, but there is no need to get into the whole idea of values.

With regard to the sources of income, that applies only for amounts of over \$2,000 with regard to income and over \$10,000 with regard to assets. In the House of Commons, of course, it is literally everything.

We also came up with a list of excluded assets, which is quite reasonable. On the list of assets that do not have to be disclosed, or are excluded, it is not required to disclose properties used by the senator or family members as residences, the mortgages or hypothèque on such residences, household goods, personal effects, deposits with a financial institution, guaranteed investment certificates, financial instruments issued by any Canadian government or agency, and obligations incurred for living expenses that will be discharged in the ordinary course of the senator's affairs.

Another area is the role of the committee. A committee will be struck, and that is provided for in the legislation, Bill C-4, and that committee will be made up of five members, three of whom shall constitute a quorum. There will be no ex officio election of members.

We had quite a discussion on this point. Everyone was basically agreed that members should be elected. There was some discussion as to whether that was obligatory, but we agreed that they should be elected.

Two of the committee members shall be elected by secret ballot in the caucus of government senators at the opening of the session. Two of the committee members shall be elected by secret ballot in the caucus of opposition senators at the opening of the session. The fifth member shall be elected by the majority of the other four members, after the election of the last of the other four members.

That certainly provides, if there is a consensus, that the fifth member could be an independent. It is in there.

**Senator Prud'homme:** You believe in something else for sure.

**Senator Smith:** The Leader of the Government in the Senate, seconded by the Leader of the Opposition in the Senate, shall present a motion — in other words, it is done by consensus — on the full membership of the committee to the Senate, which motion shall be deemed adopted without any debate or vote, and the chair of the committee shall be elected by four or more members.

The whole gist of that is that if it is four, a senator needs support from both sides of the house or they will not get four. We did not make it five because we do not want people having a veto. There is no veto, but there must be a reasonably clear consensus.

The committee must approve all inquiries that the SEO feels are warranted, and any referral to the authorities. It must go to them. Of course, senators are entitled to an inquiry as of right, but there is a preliminary investigation and if there is nothing to it, then a formal inquiry does not really need to proceed. There are improved procedural protections for senators, better screening before an inquiry starts, better notice to a senator of potential problems, reports and more committee oversight.

Concerning the privacy issue, I have already referred to the spousal disclosure. For gifts and benefits, it was originally \$250. We raised that to \$500, which is the same as in the House of Commons.

In relation to sponsored travel, we want to keep it simple so that when a senator goes on sponsored travel, it is disclosed, but the disclosure is basically that a senator went on the trip and had airfare, hotels, meals, local travel paid for, but there is no requirement to get into minuscule sort of accounting procedures because the point is either that you accept sponsored travel or you do not. If it is acknowledged, reported and transparent, we felt that that was all that would be required.

The right for senators to contract with the government, if it is in the public interest, was expanded. The analogy that was frequently given was that if some senator owned the only snowplough in the town, there is a need to be practical.

**Senator Stratton:** Sell the snowplough.

**Senator Smith:** There is disclosure, but there is a degree of discretion where the public interest is in no way negatively affected.

Another important issue is with regard to the forms.

• (1530)

Some of you have seen the forms that have been drafted by the House of Commons. I think they are 18 or 19 pages in length. Ours will be less than half that size.

**Senator Prud'homme:** What is half?

**Senator Smith:** It is about eight pages. It was agreed that the actual forms would be finalized and must be approved by the committee of senators. There was no consultation in the House of Commons on the forms. We think that is good and a reasonable way of approaching the matter. Those are the main points.

Honourable senators, the committee and its staff have worked on the code for two and a half years. I cannot get into all the names, but a great deal of time was spent. The end product is fair. It is practical, not unnecessarily intrusive, and emphasizes transparency in key areas. To put it bluntly, it passes the smell test.

Honourable senators, I hope that we can see this code adopted before melancholy events in the near future may occur in this place and we will no longer be able to vote on its adoption for a while, if you know what I mean.

**The Hon. the Speaker:** I regret to inform that Senator Smith's time has expired.

**Hon. Marcel Prud'homme:** May I have permission to ask Senator Smith a short question?

**The Hon. the Speaker:** You can speak, but I will see Senator Di Nino first.

**Senator Prud'homme:** Then my question will be my speech. I only have a question on one point Senator Smith did not touch upon.

**The Hon. the Speaker:** It appears as if the senator is asking for more time.

**Senator Smith:** I am content to accept a question from my old friend.

**The Hon. the Speaker:** I gather leave is granted for an additional five minutes for Senator Smith.

**Senator Prud'homme:** Once the code is approved, if approved, is there a fixed date? In the other chamber, I believe the time for disclosure is 120 days.

**Senator Smith:** Ours will be 120 days as well.

**Hon. Consiglio Di Nino:** Honourable senators, I am pleased to rise to add a few comments on the conflict of interest code for senators. Senator Smith has recapped the committee's deliberations well. I will not add to his excellent report. It speaks for itself.

Honourable senators, the final report of the code tabled yesterday is the result of a long and arduous effort by many senators and Senate staff. I will not single out anyone, but I wish to acknowledge the contribution of all who participated, in particular, our colleagues whose thoughtful and well-articulated points are reflected in the code, and to all I add my thanks.

The development of this document has not been an easy task. A wide variety of opinions existed, and, indeed, still exist, on how to effectively balance the public's right to know with the right of senators and their families to an appropriate level of privacy.

Throughout this lengthy process — and I speak for myself — in my fiduciary role as your representative on the drafting committee, I was guided by certain basic principles and beliefs: first, that senators have little or no power to inappropriately influence legislation or those in power; second, that over the years, the incidence of conflicts or potential conflicts have been few and far between; third, the need for a fair balance between our responsibility to protect the public's interest and ours and our families' right to appropriate privacy; and, finally, my strong belief that we as parliamentarians must be subjected to standards higher than is the average citizen.

The final product will, we hope, be judged as fairly representing the necessary compromises needed to be made and yet will be a document that will effectively guide the Senate Ethics Officer and the Senate committee charged with the responsibility of implementing and administering the code.



Finally, honourable senators, I acknowledge that not all will be in full agreement with this document, but I sincerely hope that we as a committee have achieved the objectives set for us by the honourable senators in this chamber.

On motion of Senator Robichaud, debate adjourned.

## CRIMINAL CODE

### BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Dallaire, for adoption of the sixth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-11, to amend the Criminal Code (lottery schemes), with amendments and observations) presented in the Senate on April 12, 2005.—(Honourable Senator Eyton)

**Hon. J. Trevor Eyton:** Honourable senators, on April 13, the Honourable Senator Bacon, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, tabled the sixth report of that committee recommending various amendments to Bill S-11. This bill amends provisions of the Criminal Code relating to the use of video lottery terminals. The bill also seeks to limit the locations in which VLTs can be installed to racetracks and casinos. This report had the support of the majority of the members of the Standing Senate Committee on Legal and Constitutional Affairs, from which I dissented, and I am now prepared and wish to table my dissenting observations.

Senate rule 96(2) provides that:

A report of any select committee shall contain the conclusions agreed to by the majority.

That is, I am advised, a different situation from the one in the House of Commons where their Standing Orders give committees explicit permission to append dissenting observations to reports, which happens fairly regularly.

Notwithstanding the apparent limitation implicit in rule 96(2), there have been certain instances where dissenting observations have made their way into the reports of the Senate. Given the circumstance of this particular bill, I would propose to proceed in this manner, as was done, for example, in the First Session of the Thirty-sixth Parliament concerning Bill C-9, the Canada Marine Act.

In that instance, on May 26, 1998, during debate at third reading on Bill C-9, the Honourable Senator Forrester tabled, with leave of the Senate, a document entitled, "Minority Report Prepared by Progressive Conservative Senators serving on the Standing Senate Committee on Transport and Communications." This minority report was appended to that day's *Journals of the Senate*.

The seventh report of the Standing Senate Committee on Transport and Communications presented to the Senate on May 13, 1998, dealing with this bill then included "Observations and Recommendations" without specifying that these were either from the majority or the minority.

Following that example, I request permission of the Senate to table my dissenting observations and to have them appended to today's *Journals of the Senate*. I do not propose to read my dissenting observations, which run to a number of pages and which will hopefully be available for your perusal.

In addition, honourable senators should know that I will vote against Bill S-11 in its present form.

Accordingly, honourable senators, may I have your permission to append my dissenting observations to today's *Journals of the Senate*?

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Eyton:** Thank you. I tender my observations.

**The Hon. the Speaker:** The request of Senator Eyton to have his observations tabled has been granted.

I see no other senators rising to speak. Are honourable senators ready for the question?

**An Hon. Senator:** Question!

• (1540)

**The Hon. the Speaker:** It was moved by the Honourable Senator Bacon, seconded by the Honourable Senator Dallaire, that the sixth report of the Standing Senate Committee —

**An Hon. Senator:** Dispense!

**The Hon. the Speaker:** Shall I dispense? Is it your pleasure, honourable senators, to adopt the motion on division, Senator Eyton dissenting?

**Senator Tkachuk:** On division.

**The Hon. the Speaker:** Senator Tkachuk. On division, then, with those names noted.

Just to clarify, honourable senators, we have an amended bill which has come back as a report. The report has now been adopted, which means that the bill, as amended, is at third reading stage. I know that the bill has been to committee, and now we are at third reading stage. The question I put to the chamber is: When shall this bill be read the third time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

## STATE OF POST-SECONDARY EDUCATION

## INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the state of post-secondary education in Canada.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Wilfred P. Moore:** Honourable senators, I rise with great pleasure today to speak to Senator Callbeck's inquiry into the state of post-secondary education in Canada.

I wish to commend the honourable senator for her initiative in monitoring the state of our post-secondary system, and also thank Senator Kinsella for his thoughtful comments on March 10 of this year.

This chamber has been keen to study the subject of post-secondary education in Canada and has contributed much to the debate during my time as a member of the Senate. It is my belief that we have made a difference in this regard and that it is incumbent upon us to continue to take the lead in providing solutions to the problems that exist in our system of post-secondary education. Both Senators Callbeck and Kinsella pointed out the reality of the situation that exists regarding post-secondary education in this country.

There needs to be a sea change in the manner in which we perceive the benefits of a post-secondary education. The trend lately has been to isolate the student as the major recipient of these benefits, and as the policies of the 1990s demonstrated, to shift the rate of the financial burden to these students as well. This is a dangerous precedent, and we are reaping the negative benefits of this policy today. Leaving the funding up to students will see annual tuition rate increases and inevitably a lower participation rate as these fees become unmanageable debts upon graduation. The result of the natural extension of this situation will be that a post-secondary education will be accessible only to the rich, rather than those who are academically qualified. Honourable senators, that is not the system that Canadians want and deserve.

According to the Canadian Association of University Teachers, between 1972 and 1981, tuition costs in Canada actually declined. The 1980s saw tuition rates remain stable, and in 1990 the average tuition was actually 22 per cent lower than in 1972. By the year 2003, however, tuition fees were 107 per cent higher than in 1990.

Any economist will tell you that education and the economy are inextricably linked. As Senator Callbeck mentioned, it is estimated that two-thirds of all jobs by 2011 will require higher education. Internationally, in order for us to compete with other countries, especially emerging economies such as India and China, we must realize that an increase in funding to our post-secondary system is unavoidable.

Yet, our government's spending on post-secondary education per student has declined from the year 1980 through to today. In 1980, we were spending about \$100 per student. Today that

number is \$80. By comparison, the United States of America was spending about the same as us, \$100 in 1980, but it has increased its yearly spending to \$130 currently.

As an example of the problems that exist today for students, let me draw your attention to a report released in 2004 by the Canadian Association of Food Banks and the Canadian Alliance of Student Associations. The report is entitled *Campus Hunger Count 2004*. It surveys the use of student food banks on Canadian campuses. According to the report, there are 51 campus-based food banks in Canada. Forty-six of these food banks took part in that survey. The survey isolated one month in the year 2004, March, and discovered that 3,121 students used food banks at that time.

For us, on the one hand, to speak of the necessity of educating our population and competing internationally, and on the other hand to not provide the necessary funding to ensure the reality of an educated, competitive society, seems to be a case of just so much talk and so little action. Tuition fees have risen, students are taking on growing debt, education is becoming less universal, and we continue to pay lip service to the problem.

I believe we are all aware of what occurred between 1990 and 2003 to cause this staggering increase. Canada, like many nations at that time, faced a growing deficit and debt situation. The response was — and we hear this over and over again — to put our fiscal house in order. In 1996, across-the-board cuts were made by the federal government in the form of the creation of the Canadian Health and Social Transfer. The reason for the creation of this new block transfer was not only cost-cutting at the federal level but it was also the wisdom of the day that the federal government should allow the provinces to deal exclusively in their constitutional powers.

The shift from cost-shared funding to block funding should be reconsidered. The Canada Assistance Plan, implemented in 1996, was based on a cost-shared agreement with the provinces wherein the federal government would share with the provinces on a 50/50 basis the cost of social assistance programs.

There exist no conditions associated with federal cash transfer to the provinces in the realm of post-secondary education. Witness the Government of Nova Scotia shamelessly cutting its financial support of post-secondary funding upon receiving federal Millennium Scholarship Funds.

• (1550)

This is a problem that exists to this day. We have no means of accounting for our federal dollars when they are sent to the provinces via block funding. This is precisely the time for the federal government to take the lead in this area. While all honourable senators know education is a provincial responsibility, the federal government has been involved in it since the 19th century. It has been proven in the past that when it is to the benefit of each individual province and the nation as a whole, programs such as the Canada Assistance Plan and our health care system have entered into agreements between the two levels of government.



In past speeches, I have pointed out the need for national standards. Honourable senators, only the federal government has the ability to establish and protect national standards, which can be established for education. At the recent biannual meeting of the Liberal Party of Canada, it was resolved that the federal government consider the manner in which it disburses funds to the provinces for post-secondary education. It is my belief that these policy proposals represent a framework that, as with the health care agreement, will set out a guideline for a new agreement between the two levels of government that will protect funding for post-secondary education.

The concept of a dedicated transfer at the federal level would ensure a stable and predictable level of funding for post-secondary education for the provinces from the federal government, and would include agreements with the provinces to ensure stable levels of funding at the provincial level as well. These policies represent a beginning to a new manner of funding between the federal and provincial governments — a new paradigm, as called for by Senator Kinsella. This kind of agreement would enable both federal and provincial governments to protect stable funding levels for post-secondary education.

Honourable senators, it is my opinion that we need a dedicated ministry and minister to achieve these agreements between the federal and provincial governments. A federal minister of post-secondary education and research would provide a watchdog over our federal monies, which are aimed at bolstering our post-secondary system, as well as providing some national standard in post-secondary education.

Currently, the federal government spends approximately \$9 billion per year on our post-secondary system. As I have mentioned in the past, the budgets of such ministries as the Atlantic Canada Opportunities Agency, at about \$400 million, and the Western Diversification Fund, at about \$300 million, warrant the attention of a separate minister. It would seem that, given the number of dollars the government is dealing with in post-secondary funding combined with the very high level of national importance that we attach to post-secondary education, the government should consider giving this area more focus by establishing a separate minister.

Senators, there have been some very positive changes to our system of post-secondary education. The government has taken steps to reverse the trend and move it in the right direction. A permanent fund of \$230 million per year for the indirect costs of research has been instituted. The Standing Senate Committee on National Finance and its chair, the Honourable Senator Murray, are owed much in the creation of this fund, having studied and reported on the state of research and facilities in Canada.

The Canadian Millennium Scholarship Foundation program was created by the Liberal government to provide funding for students from less wealthy backgrounds. Over 90,000 students have received support from these scholarships. The program has an annual budget of \$250 million. Bill C-5, the Canada Education Savings Act, was passed earlier this year. This act will assist lower- and middle-income families to save money so their children may attend university. The creation of research foundations, such

as the Canada Foundation for Innovation, has also added to the amount of funding invested in post-secondary education research, although changes must be made to the formulas used in determining how that funding is distributed to universities across Canada.

Nearly two years ago in this place, I spoke to the pressing need for changes in distributing national wealth on a more equitable basis and to funding post-secondary education and research at our universities. One of the funding agencies I mentioned was the Canada Foundation for Innovation. As honourable senators may know, researchers who are awarded funding support from CFI will receive 40 per cent of a total amount of their research project but only if the other 60 per cent is in place. That 60 per cent must come from the university or from the private sector. Atlantic Canada's universities do not have significant endowments, and there is a relatively small corporate community. Due to these uncontrollable factors, researchers in Atlantic Canada find themselves in the situation of having much less opportunity to participate in this national wealth. I can report to this chamber that since the creation of CFI in 1997 and up to April 22, 2005, it has approved 4,072 projects and has distributed \$2,399,754,742. I can also report that during that period, the universities of Atlantic Canada had 343 projects approved and have received \$93,285,033 — a very bleak 3.8 per cent of that total funding. The total is down 0.1 per cent since I first spoke to this matter in June 2003, despite the pleadings of senators on both sides of this house.

Honourable senators, Atlantic Canada has been educating the youth of our country for centuries, and is very good at it. Atlantic Canada is home to 16 per cent of Canada's universities, wherein 9.5 per cent of Canada's full-time students are enrolled and 12 per cent of Canada's teaching faculty are employed. Atlantic Canada is home to 7.6 per cent of the population and yet it receives a meagre 3.8 per cent of the total CFI funding. By any measure or standard of merit and sense of equity, Atlantic Canada's post-secondary institutions are not receiving their fair share of the national research wealth.

Honourable senators, I urge that a new, innovative national strategy be implemented that includes an equitable solution to the funding of education and research. Consideration must be given to blaring regional imbalances, such as the one to which I just spoke.

I recently introduced Bill S-28, to amend the Bankruptcy and Insolvency Act, based on the studies conducted by the Standing Senate Committee on Banking, Trade and Commerce. If passed, this bill will allow bankrupt students to apply for the discharge of their student loans five years after graduation, as opposed to the current ten years. All stakeholders involved concurred with this action and it is an incremental step in easing the plight of our students.

Senators, Canada's post-secondary education is in need of a federal vision with innovative solutions that will be arrived at only through a collective effort involving both levels of government, the private sector and our post-secondary institutions. A national strategy originating at the federal level is required to arrive at national funding standards in Canada's national post-secondary education system. I firmly believe that the past has shown that cooperation is possible between the provincial and federal

governments. The time for that cooperation in post-secondary education is now. If we are to remain competitive and produce skilled university graduates to expand our knowledge-based economy, we must act now.

On motion of Senator Tardif, debate adjourned.

## INTERNATIONAL DEVELOPMENT ASSISTANCE

### MOTION URGING GOVERNMENT TO MEET COMMITMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson:

That the Senate of Canada calls upon the Government of Canada to establish a specific timetable that will enable Canada to meet its longstanding commitment to provide 0.7 per cent of its Gross National Income as official international development assistance; and

That the Senate of Canada calls upon the Government of Canada to provide funds, within the budgetary process, to achieve this objective at latest by the year 2015, beginning, with an immediate 100 per cent increase in official development assistance in the next fiscal year.  
—(Honourable Senator Corbin)

**Hon. Consiglio Di Nino:** Honourable senators, I rise to speak in support of the honourable Senator Andreychuk's motion in respect of CIDA's commitment to the world's most needy. In 1969 Canada reinforced its position as a compassionate leader among nations.

• (1600)

Former Prime Minister Lester B. Pearson played a pivotal role in the international community by helping to set the global standard to end the unnecessary suffering of the world's poorest citizens. As a Canadian, he was one of the forefathers of international development aid.

The Pearson commission determined in its report called *Partners in Development* that developed nations ought to distribute 0.7 per cent of gross national income, or GNI, to international development aid in order to close the gap between rich and poor countries. The report was embraced by the World Bank, the OECD and the UN General Assembly. This target was again confirmed in 2000 by the UN, whose members pledged to enact the Millennium Development Goals in order to reach the 0.7 per cent objective by 2015.

Now, 35 years after a Liberal government first committed to the principles of foreign development aid, the Martin government, following Jean Chrétien's precedent, has disgraced Canada and contributed to the increasingly exponential poverty of many of the world's most vulnerable inhabitants by refusing to implement the standard that Mr. Pearson championed.

This is not just a matter of our country being unable to meet a scheduled time frame. We are regressing. We are going backwards. In fact, in the 1980s we were quickly approaching

the 0.7 per cent target under the government of former Prime Minister Mulroney. At that time, Canada routinely dedicated approximately 0.5 per cent of the GNI to development aid. Today, under Paul Martin's leadership, the Canadian government spends a paltry 0.23 per cent. This represents a decrease of almost 50 per cent in these 20 years. Canada has gone from serving as an example of generosity and compassion and leading other nations as one of the highest donors to abysmally failing to meet even its basic international obligations.

Honourable senators, it is frankly inexplicable that during a time when Canada's economy was not growing at the rate it has for the last 10 years, we were nevertheless leading the vanguard of international assistance. Now, during these times of economic stability, with a \$9-billion budget surplus, we are shirking our moral responsibility to help those less fortunate. The only explanation is that international development is simply not the priority of this government. I guess it does not get many votes.

This government has passively reiterated its commitment to reaching the 0.7 per cent goal, yet it refuses to implement a timeline to do so. The Prime Minister has stated publicly that we, as a nation, must fulfill our obligation, yet we have no plan to actually do so that would be accomplished under 30 years; and that is assuming that this government does not continue the Liberal trend of slashing funding.

UN Secretary-General Kofi Annan appeared before the House of Commons this year and implored Canada to return to a time when our nation was a pioneer in bridge building among international constituencies.

Honourable senators, given our shameful inability to meet our most fundamental obligations, I fear we may not deserve even a seat at the table amongst the dozens of other nations that have embraced their commitments head on. We have abdicated our well-reputed role as pioneers in the international field. I ask the government to rectify the situation immediately before the generations of goodwill that have seen Canada at the forefront of humanitarianism evaporate completely.

I ask this government to reference the will of its own citizenry and to remember its own words. There is no political justification for refusing to develop a timeline to implement the Millennium Development Goal.

CIDA itself boasts that 78 per cent of Canadians support aid programs. As long ago as 1984 — and let me remind honourable senators that at that time Prime Minister Mulroney was authorizing the largest percentage payout of development aid in Canadian history — Paul Martin himself, our Prime Minister, stated:

Spending on foreign aid programs must increase. We're spending the equivalent of 0.46 per cent of our gross national product on foreign assistance; that has to be raised to 0.7 per cent. This is a moral problem: we're not talking about discomfort among Third World citizens, but starvation and death.



I ask what has changed for our Prime Minister?

I will take this opportunity to escort members of this chamber through changes of the last 20 years, the 20 years since the Prime Minister uttered those words.

First, the country has successfully weathered the economic downturn it was suffering under that time. Canadians earn approximately 20 per cent more than they did then, and Canada has had massive consecutive budget surpluses.

Sweden, Denmark, Norway, the Netherlands and Luxembourg have all reached or surpassed the 0.7 per cent goal. Ireland, Belgium, France, Finland, Spain and the U.K. all have plans in place to reach the goal by 2015. The only thing that has not changed is that Third World citizens are still starving to death.

Under the current policy, it will take Canada 30 years to reach the 0.7 per cent goal. I do not hesitate to remark that I seriously doubt Lester B. Pearson intended it to take 65 years for Canada to reach its goal and to only do so decades after the aforementioned developed nations. There is absolutely no justification as to why it ought to take Canada decades longer than other nations to meet its international aid obligations. This is yet another case of an opportunity missed and another promise broken by this government.

This is not a question of simply taking up the rear. Many nations have already achieved the 0.7 per cent target. In 30 years, the world will have lost generations of children to malnutrition, starvation, disease and poverty. This represents more than just lives lost. Nations will have been lost.

These are struggling states that will have lost future leaders, educators and doctors for generations to come. The consequences of Canada not having the political will to contribute as other nations have is not merely the quantifiable loss of life, but the exponential and unquantifiable impact on the ability of developing nations to institute real change from within and to fundamentally alter the fate of their citizens.

The government has been very clear in its priorities. The numbers speak for themselves. As Minister of Finance, Paul Martin cut the aid budget of the Department of Foreign Affairs by 17.3 per cent between 1994 and 1998. Foreign aid was slashed by one third. In 1993, 9 billion real cumulative dollars were cut from the foreign aid budget. These amounts represent the single largest series of foreign aid cuts in Canadian history. Canada's ranking among the OECD donor nations fell from sixth in 1992 to sixteenth today.

The recently released foreign policy review focuses only on 25 countries as targets for the majority of aid funding. This plan relegates Haiti, Sudan, Iraq and Afghanistan to second-tier nations that must compete for the table scraps of Canadian foreign aid.

Canada's international reputation has been so depleted that former celebrity pals of the Prime Minister, such as U2's Bono, have denounced our inability to make good on our commitments. Bono singled out Canada's poor performance when he stated.

We are looking for Canada to lead rather than be a laggard.

If Canada is to regain its credibility on the global stage, the government must introduce a specific timetable to achieve our 0.7 per cent goal. We must introduce legislation that will empower Parliament to define a legal framework for Canada's official development assistance spending. We must establish a clear mandate for development assistance and mechanisms for policy coherence, monitoring accountability through reporting to Parliament and public transparency.

Honourable senators, the time has come and gone for Canada to keep pace with like-position nations. We are lagging behind and setting a very dangerous example. The effectiveness of international bodies such as the UN lies in communal effort, mutual agreement and the power of numbers. It is a drastic departure from our proud history for Canada to be a delinquent player on the international stage. Above and beyond the sheer embarrassment of this government's record on this issue, we are at risk of losing far more. We chance our reputation as dedicated humanitarians who are willing to pull our weight and more on matters of international importance.

• (1610)

I implore all honourable senators to support Senator Andreychuk's motion. Too many have suffered irreparable harm as a result of Canada's renegeing on its international commitment. While consecutive Liberal governments have ignored their international obligations and reduced foreign aid, too many children in the Third World are suffering; indeed, they are dying of hunger.

During times of economic prosperity and budgetary surpluses there is simply no need for people to starve to death. It is time that, as a country, we insist that we make good on the promise made 35 years ago by Lester B. Pearson.

On motion of Senator Robichaud, for Senator Corbin, debate adjourned.

## COMMISSION OF INQUIRY ON THE SPONSORSHIP PROGRAM

### MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator LeBreton:

That the Senate of Canada hereby calls upon the government to maintain the Commission of Inquiry into the Sponsorship Program and Advertising Activities for as long as necessary to establish the facts and discern the truth, and the Senate of Canada further urges the government to defend the Commission rigorously and reject attempts to impugn the integrity of the Commissioner, Mr. Justice John Howard Gomery.—(*Honourable Senator Losier-Cool*)

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, I would like to take this opportunity to rewind the clock, as this is an ongoing situation. For example, in today's *National Post* we see, "Gomery 'atom bomb'" saying a rogue group ran Quebec's Liberal fundraising. In *La Presse* we see, "Joe Morselli, le vrai boss."

I will adjourn the debate in my name, to be continued.

On motion of Senator Stratton, debate adjourned.

## WORLD HEALTH ORGANIZATION

### MOTION IN SUPPORT OF GOVERNMENT OF TAIWAN REQUEST FOR OBSERVER STATUS— DEBATE ADJOURNED

**Hon. Consiglio Di Nino,** pursuant to notice of May 5, 2005, moved:

That the Senate call on the Government of Canada to support the request of the Government of Taiwan to obtain observer status at the World Health Organization.

He said: Honourable senators, I would like to take a couple of minutes of your time to make a plea, as I did last year, on the issue of the Government of Taiwan's admission as an observer to the World Health Organization. I am once again pleased to speak on this motion in support of the request of the Government of Taiwan to obtain observer status at the WHO.

The World Health Organization, an agency of the UN, has had as its goal the improvement of dialogue between countries on issues relating to health. The preamble to the WHO states:

...the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social conditions.

Granting Taiwan observer status at the WHO would recognize the contribution that Taiwan can make to the health of all humanity. Taiwan has one of the highest standards of health care in the world and has made significant contributions to the global community, including US \$50 million to the victims of the recent tsunami disaster.

Conversely, the people of Taiwan should benefit from the improvements and advancements that are available through the WHO. I would like to remind honourable senators that the WHO has granted observer status to non-state entities such as the Order of Malta, the International Committee of the Red Cross, the International Federation of the Red Cross, the Red Crescent Society, and, yes, the PLO.

The argument has been made that if Canada were to support Taiwan's request, it would affect our business with China. That is, at best, caving in to the pettiness of the Chinese government's position on this issue and, at worst, prostituting ourselves at the economic altar at the expense of human lives, something to which the world has too often succumbed. This decision is not about politics; it is about the health of all citizens of the world.

It was very disappointing to all of us, including the vast majority of parliamentarians from both Houses, that the World Health Organization once again did not see fit to grant Taiwan observer status at the WHO last year. We have been hearing scientists express concern about a world pandemic. We should take their warnings seriously. Why, then, are we denying 23 million citizens of Taiwan access to the highest available health care information and remedies? It has been suggested that during the SARS outbreak, when Taiwan was refused assistance by the WHO because it was not a member of the organization, it is likely that lives were unnecessarily lost. Disease respects no borders.

Honourable senators, Canada and Taiwan have a long-standing and strong relationship, including a profitable trade and investment partnership, a large and successful Chinese Canadian community, and the economic and social contributions made by approximately 150,000 Taiwanese tourists who visit Canada each year. These activities benefit Canada and Canadians. Canada has a vested interest in supporting Taiwan's bid for observer status and, frankly, it is the right thing to do.

Therefore, honourable senators, I urge you to support this motion, which is an important step towards making access to medical information and assistance truly universal.

On motion of Senator Robichaud, for Senator Downe, debate adjourned.

[Translation]

## LEGAL AND CONSTITUTIONAL AFFAIRS

### REPORT OF JUDICIAL COMPENSATION AND BENEFITS COMMISSION, MARCH 31, 2004 REFERRED TO COMMITTEE

**Hon. Lise Bacon:** Honourable senators, I move, with leave of the Senate and notwithstanding rule 58(1)(j):

That the document entitled "Report of the Judicial Compensation and Benefits Commission for the fiscal year ended March 31, 2004" tabled in the Senate on October 19, 2004, be referred to the Standing Committee on Legal and Constitutional Affairs pursuant to the Judges Act, subsection 26(6.1).

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

• (1620)

[English]

## BUSINESS OF THE SENATE

**Hon. Tommy Banks:** Honourable senators, I am sorry to rise, but I refer you to Motion No. 96, which got past us. I do not know the wish of either Senator Corbin or the deputy chair of his committee, but do we wish to revert to Motions in order to consider the allowance of the committee to meet Monday



morning, which I presume was intended by members of the committee? I am not a member of the committee, and I have no knowledge of this, but this motion intends that the committee would be allowed to meet on Monday morning prior to the Monday evening sitting of the Senate. I am asking members and the leaderships whether we want to revert to this motion and pass it. I have no knowledge of it.

**Hon. Claudette Tardif:** Honourable senators, I am part of the committee. The committee members have cancelled this meeting, and it has been put over to May 30.

[Translation]

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, as there is no business before the Senate and a procedure to signify royal assent by written declaration is under way, I move that the Senate adjourn during pleasure.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to now adjourn?

[English]

**Senator Robichaud:** I move that the Senate do now adjourn at pleasure, to reassemble at the call of the chair, with the bells to call in the senators to ring for five minutes.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Senator Di Nino:** Will it be 9 o'clock tonight?

**Senator Robichaud:** No. If I may, the process was to take place at 4 o'clock, so we have to give them time to drive back.

**Senator Di Nino:** Half an hour?

**Senator Robichaud:** I would hope so.

The Senate adjourned during pleasure.

• (1700)

[Translation]

The sitting of the Senate was resumed.

## ROYAL ASSENT

**The Hon. the Speaker pro tempore** informed the Senate that the following communication had been received:

## RIDEAU HALL

May 12, 2005

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 12th day of May, 2005, at 4:10 p.m.

Yours sincerely,

Barbara Uteck  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills assented to Thursday, May 12, 2005:

A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004 (*Bill C-33*)

An Act to prevent the introduction and spread of communicable diseases (*Bill C-12*)

An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts (*Bill C-45*)

## ADJOURNMENT

Leave having been given to revert to Government Notices of motion:

**Hon. Fernand Robichaud (Acting Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday next, May 16, 2005, at 6 p.m. and that the provisions of rule 13(1) be suspended in this regard.

**The Hon. the Speaker pro tempore:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Monday, May 16, 2005, at 6 p.m.

**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
*(indicates the status of a bill by showing the date on which each stage has been completed)*  
**(1st Session, 38th Parliament)**

**Thursday, May 12, 2005**

(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

**GOVERNMENT BILLS**  
**(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0	05/04/20		
S-31	An Act to authorize construction and maintenance of a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal for the purpose of completing Highway 30	05/05/12							

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-3	Bill, C-3, An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21	05/04/14	Transport and Communications					
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance	05/04/14	0	05/04/19	05/04/21*	15/05
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs	05/05/12	0 observations			
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology	05/04/12	2	05/04/14		
C-13	An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act	05/05/12							
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce	05/04/12	2	05/04/14	05/05/05*	18/05
C-30	An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts	05/04/13	05/04/14	National Finance	05/04/21	0	05/04/21	05/04/21*	16/05
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07	05/04/20	National Finance	05/05/03	0	05/05/10		

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 2</i> , 2004-2005)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 3</i> , 2004-2005)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-40	An Act to amend the Canada Grain Act and the Canada Transportation Act	05/05/12							
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 4</i> , 2004-2005)	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 ( <i>Appropriation Act No. 1</i> , 2005-2006)	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05
C-45	An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts	05/05/10	05/05/10	National Finance	05/05/12	0	05/05/12		

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02	05/05/05*	17/05
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs	05/04/12	2 observations	05/05/12		
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23							
S-29	An Act respecting a National Blood Donor Week (Sen. Mercer)	05/05/05							
S-30	An Act to amend the Bankruptcy and Insolvency Act (RRSP and RESP) (Sen. Biron)	05/05/10							
S-32	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	05/05/12							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10	05/03/23	Banking, Trade and Commerce	05/05/05	0 observations	05/05/10		
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17	05/04/19	Legal and Constitutional Affairs					



# CONTENTS

Thursday, May 12, 2005

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>QUESTION PERIOD</b>	
<b>The Senate</b>		<b>National Revenue</b>	
Support of the Official Opposition.		Universities—Application of Goods and Services Tax to Student Meal Plans.	
Hon. Noël A. Kinsella . . . . .	1235	Hon. Donald H. Oliver. . . . .	1238
		Hon. Jack Austin . . . . .	1238
<b>New Brunswick</b>		<b>Parliament</b>	
Hampton—Famous Sons, John Peters Humphrey and John Hooper.		Corruption and Scandal in Government.	
Hon. Joseph A. Day. . . . .	1235	Hon. Terry Stratton . . . . .	1239
		Hon. Jack Austin . . . . .	1239
<b>National Awareness Day of Fibromyalgia and Chronic Fatigue Syndrome</b>		Hon. Gerry St. Germain . . . . .	1240
Hon. Marjory LeBreton . . . . .	1235	Hon. David Tkachuk . . . . .	1240
<b>National Nursing Week</b>		<b>Foreign Affairs</b>	
Hon. Joan Cook . . . . .	1236	Sudan—Response to Situation in Darfur—Arrangement Between Government and Member of Parliament for Edmonton—Mill Woods—Beaumont.	
<b>Maternal and Child Health</b>		Hon. Gerry St. Germain . . . . .	1241
Hon. Mac Harb . . . . .	1236	Hon. Jack Austin . . . . .	1241
<b>The New War Museum</b>		<b>Justice</b>	
Hon. Francis William Mahovlich. . . . .	1237	Commission of Inquiry into Sponsorship Program and Advertising Activities—Reimbursement of Contributions to Liberal Party.	
		Hon. David Tkachuk . . . . .	1241
		Hon. Jack Austin . . . . .	1242
<hr/>		<b>Foreign Affairs</b>	
<b>ROUTINE PROCEEDINGS</b>		Bill to Amend Foreign Affairs and International Trade Act—Defeat in the House of Commons.	
<b>Criminal Code (Bill C-10)</b>		Hon. Marcel Prud'homme. . . . .	1242
Bill to Amend—Report of Committee.		Hon. Jack Austin . . . . .	1242
Hon. Lise Bacon . . . . .	1237	<b>Delayed Answer to Oral Question</b>	
<b>Canadian Forces Members and Veterans Re-establishment and Compensation Bill (Bill C-45)</b>		Hon. Fernand Robichaud . . . . .	1243
Report of Committee.		<b>Health</b>	
Hon. Donald H. Oliver. . . . .	1237	Meeting with United States Secretary of Health and Human Services—Sale of Prescription Drugs—Handling of Cox-2 Inhibitors.	
<b>Highway 30 Completion Bridges Bill (Bill S-31)</b>		Question by Senator Keon.	
First Reading.		Hon. Fernand Robichaud (Delayed Answer). . . . .	1243
Hon. Fernand Robichaud . . . . .	1237	<b>Pages Exchange Program with House of Commons</b>	
<b>Criminal Code</b>		The Hon. the Speaker. . . . .	1243
<b>DNA Identification Act</b>		<b>Point of Order</b>	
<b>National Defence Act (Bill C-13)</b>		Hon. Roméo Antonius Dallaire. . . . .	1243
Bill to Amend—First Reading. . . . .	1238		
<b>Canada Grain Act</b>		<b>ORDERS OF THE DAY</b>	
<b>Canada Transportation Act (Bill C-40)</b>		<b>Canadian Forces Members and Veterans Re-establishment and Compensation Bill (Bill C-45)</b>	
Bill to Amend—First Reading. . . . .	1238	Third Reading.	
<b>Marriage (Prohibited Degrees) Act Interpretation Act (Bill S-32)</b>		Hon. Roméo Antonius Dallaire. . . . .	1243
Bill to Amend—First Reading		Hon. Fernand Robichaud . . . . .	1244
Hon. Anne C. Cools. . . . .	1238	Hon. Donald H. Oliver. . . . .	1244
<b>Inter-Parliamentary Forum of the Americas</b>		Hon. Jack Austin . . . . .	1246
Eleventh Executive Committee Meeting, February 11-12, 2005—Report Tabled.		Hon. Marcel Prud'homme. . . . .	1247
Hon. Céline Hervieux-Payette . . . . .	1238	<b>Bankruptcy and Insolvency Act (Bill S-30)</b>	
<b>Energy, the Environment and Natural Resources</b>		Bill to Amend—Second Reading—Debated Adjourned.	
Notice of Motion to Authorize Committee to Meet.		Hon. Michel Biron . . . . .	1248
Hon. Tommy Banks . . . . .	1238		

	PAGE
<b>National Blood Donor Week Bill (Bill S-29)</b>	
Second Reading—Debate Continued.	
Hon. Ethel Cochrane .....	1249
<b>Rules, Procedures and the Rights of Parliament</b>	
Third Report of Committee—Debate Adjourned.	
Hon. David P. Smith .....	1249
Hon. Marcel Prud'homme .....	1251
Hon. Consiglio Di Nino .....	1251
<b>Criminal Code (Bill S-11)</b>	
Bill to Amend—Report of Committee Adopted.	
Hon. J. Trevor Eyton .....	1252
<b>State of Post-Secondary Education</b>	
Enquiry—Debate Continued.	
Hon. Wilfred P. Moore .....	1253
<b>International Development Assistance</b>	
Motion Urging Government to Meet Commitment— Debate Continued.	
Hon. Consiglio Di Nino .....	1255

	PAGE
<b>Commission of Inquiry on the Sponsorship Program</b>	
Motion—Debate Continued.	
Hon. Terry Stratton .....	1257
<b>World Health Organization</b>	
Motion in Support of Government of Taiwan Request for Observer Status—Debate Adjourned.	
Hon. Consiglio Di Nino .....	1257
<b>Legal and Constitutional Affairs</b>	
Report of Judicial Compensation and Benefits Commission, March 31, 2004 Referred to Committee.	
Hon. Lise Bacon .....	1257
<b>Business of the Senate</b>	
Hon. Tommy Banks .....	1257
Hon. Claudette Tardif .....	1258
Hon. Fernand Robichaud .....	1258
<b>Royal Assent</b>	
The Hon. the Speaker <i>pro tempore</i> .....	1258
<b>Adjournment</b>	
Hon. Fernand Robichaud .....	1258
<b>Progress of Legislation</b> .....	1





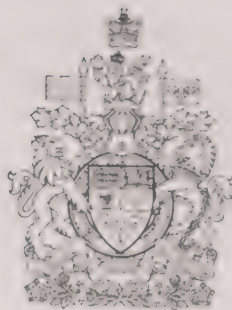






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CANADA

# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

**Monday, May 16, 2005**

—  
THE HONOURABLE DANIEL HAYS  
SPEAKER





## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Monday, May 16, 2005

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### INTERNATIONAL POLICY STATEMENT

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I wish to draw to your attention the Government of Canada policy document tabled in the Senate on April 19, 2005, entitled "Canada's International Policy Statement — A Role of Pride and Influence in the World."

As announced by the Honourable Pierre Pettigrew, Minister of Foreign Affairs, that statement:

...represents Canada's first fully integrated government wide international policy framework. It provides us with the tools and policy focus we need to meet our responsibilities in making a difference in the world.

The Canadian consensus is clear. We need to understand and adapt to the realities of this part of the 21st century. To maintain our prosperity we must remain competitive in global markets and improve our export development by higher levels of productivity and penetration.

To meet these objectives, our strategies include a priority focus on the North American market; more engagement in multilateral processes, including the World Trade Organization and its processes; and closer engagement with the largest developing countries of China, India and Brazil.

Canada will accord an equal priority to respecting human rights, promoting democracy, and the rule of law throughout the global community. We have a real role to play in capacity building in fragile states. In this respect, the Government of Canada is creating the START program, the Stabilization and Reconstruction Task Force, and will back it with a \$500-million Global Peace and Security Fund.

Across the government, we are establishing a rapid deployment team that will help us deal with crises and major disasters.

Canada's International Policy Statement brings together our diplomatic, defence, development, trade and investment strategies.

The defence section of the statement, supported by the defence spending increases announced in budget 2005, is the departure point in establishing enhanced military capacity and capability. As National Defence Minister Bill Graham has stated, "The result will be a more relevant, responsive and effective Canadian Forces capable of meeting the increasingly complex needs of the new security environment."

I know honourable senators recognize the importance of the government policy statement. We look forward to a careful examination of its purposes by the Standing Senate Committee on Foreign Affairs and by the Standing Senate Committee on National Security and Defence.

#### THE HONOURABLE WILBERT J. KEON

##### RECOGNITION OF ACHIEVEMENTS

**Hon. Donald H. Oliver:** Honourable senators, in this chamber we have farmers, lawyers, physicians and teachers. We have accountants, journalists, generals, comedians, and even jazz musicians.

We also have a world-renowned heart surgeon, Senator Wilbert Keon, who, in a recent *Ottawa Sun* poll of more than 500 Ottawa residents, was ranked first by respondents aged 45 to 56 as the city's "greatest living hero."

Senator Keon also placed second in the poll of 18-to-34-year-olds, just behind international rock star and Ottawa native Alanis Morissette. The bold headline in the *Sun* read: "If young Ottawa residents just want to rock, middle-aged folks just want to keep on ticking."

Senator Keon is one of the world's leading heart surgeons and researchers in the cardiovascular field. He was the founder of Ottawa's Heart Institute, an international centre of excellence for the diagnosis, treatment, rehabilitation and prevention of heart disease through patient care, research and education.

Since the founding of the Ottawa Heart Institute in 1969, it has become a global leader in the creation of programs designed to prevent heart disease. It is Canada's only complete cardiac centre, with the country's largest artificial heart program.

Honourable senators, it was May 1, 1986, 19 years ago on Sunday, when Dr. Keon became the first Canadian surgeon to successfully perform an artificial heart transplant as a bridge to a human transplant. Due to his efforts and abilities, he has helped to prolong the lives of thousands of Canadians.

However, Senator Keon's accomplishments are not limited to Canada's medical field. He has also supported African development by selflessly donating his library of medical textbooks to the Association for Higher Education and Development, AHEAD. Thanks to his generosity, thousands of students at Addis Ababa University in Ethiopia will receive medical instruction in a country that desperately requires it.

Honourable senators, Senator Keon has many titles: doctor, author, professor, philanthropist and parliamentarian. Now he has one more title — he is one of Ottawa's greatest living heroes.



## ROUTINE PROCEEDINGS

### AERONAUTICS ACT

#### BILL TO AMEND—FIRST READING

**Hon. Bill Rompkey (Deputy Leader of the Government)** presented Bill S-33, to amend the Aeronautics Act and to make consequential amendments to other acts.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

### DEPARTMENT OF JUSTICE ACT SUPREME COURT ACT

#### BILL TO AMEND—FIRST READING

**Hon. Anne C. Cools** presented Bill S-34, to amend the Department of Justice Act and the Supreme Court Act to remove certain doubts with respect to the constitutional role of the Attorney General of Canada and to clarify the constitutional relationship between the Attorney General of Canada and Parliament.

Bill read first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on the Orders of the Day for second reading two days hence.

• (1810)

[Translation]

## LEGAL AND CONSTITUTIONAL AFFAIRS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CRIMINAL CODE AS IT RELATES TO ISSUES OF MENTAL HEALTH

**Hon. Lise Bacon:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to invite, when appropriate, the Minister of Justice and Attorney General for Canada, the Minister of Health, their officials, as well as other witnesses to appear before the committee for the purpose of examining the provisions of the *Criminal Code* related to mental disorder, and in particular to consider the increasing use of the criminal justice system to address issues of mental health; and

That the committee continue to monitor developments on the subject and submit a final report to the Senate no later than May 19, 2006.

## COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Lise Bacon:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit at 4:00 p.m. tomorrow, Tuesday, May 17, 2005, even though the Senate may then be sitting, and that Rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker:** Is leave granted, honourable senators?

[English]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** I would expect that the reason for the honourable senator's request is that the minister will be in attendance. Is that correct?

**Senator Bacon:** Yes.

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I would like to know if there are other committees intending to seek leave to sit while the Senate is in session. My concern is still the same: that only a few of us would be able to be here to constitute a quorum.

I have no objection to someone seconding Senator Bacon's motion, but I am being a bit daring in asking questions not related directly to her request. What I would like to know is whether several committees are intending to sit while the Senate is in session.

I do not know what is happening on the Hill. I do not let myself get stirred up about things that might happen — it is pure speculation. I wonder how leave can be sought to sit in connection with a bill that has not yet been introduced. This is a bill that has just been passed in the House of Commons, and most definitely has not yet made it to the Senate.

I would like Senator Bacon to confirm that we are indeed talking about the bill to which I am referring.

**Senator Bacon:** Honourable senators, I am no more concerned than the senator is, but I am sufficiently realistic to realize that, if the order is adopted, we will need to sit tomorrow at 4 p.m.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Some Hon. Senators:** Yes.

Motion agreed to on division.

## INFLUENCE OF CULTURE

### NOTICE OF INQUIRY

**Hon. Viola Léger:** Honourable senators, I give notice that, on May 19, 2005:

I will call the attention of the Senate to the importance of artistic creation to a nation's vitality and the priority the

federal government should give to culture, as defined by UNESCO, in its departments and other agencies under its authority.

[English]

## QUESTION PERIOD

### FINANCE

#### BUDGET 2005— FUNDS FOR INFRASTRUCTURE PROGRAM

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. I wish to ask the government leader some questions to help me understand some of the numbers and projections in the budget concerning the promised money for infrastructure.

The government is attempting to show and make the case that, if the budget bill dies, the five-year commitments that it has signed for infrastructure will be in jeopardy. However, of the \$5 billion in gas tax money promised for infrastructure in the budget, the budget implementation bill, Bill C-43, only delivers \$600 million, and this is only for this year.

Could the government leader confirm that the proposed Budget Implementation Bill does not deliver funds necessary to meet the five-year commitments that the government is now making? Could the minister also advise the Senate as to why the government is unwilling to legislate gas tax money beyond the current fiscal year?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank Senator Oliver for his question. I should like to take the honourable senator's question as notice, so that I can consult the Minister of Finance to obtain his answer.

### HEALTH

#### VIOLATIONS BY PROVINCES OF CANADA HEALTH ACT

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate and follows up on a question posed by Senator Keon last week regarding the delivery of health care in our country.

Health Canada has announced that it will fine the Governments of British Columbia, Nova Scotia, and Newfoundland and Labrador for allowing private clinics to operate in their provinces. This announcement has led to speculation as to why some provinces are repeatedly fined for violating the Canada Health Act while other provinces are not penalized, despite the continued presence of private clinics.

Could the Leader of the Government in the Senate describe to us the process by which the Minister of Health decides to fine a province for Canada Health Act violations, in other words, to define the criteria?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, of course, under the Canada Health Act, the Minister of Finance has the authority to withdraw funds from transfers to provinces as a result of inappropriate actions by those provinces under that legislation. I am not aware that the Minister of Health has said that he would proceed to fine any province. I am aware, however, that the minister has written to provinces asking for discussions with respect to the way in which private clinics operate. Senator LeBreton may be aware that the provinces administer health care. The Government of Canada does not have a separate investigatory process; rather, it relies on information provided by the province in response to its queries.

### FOREIGN AFFAIRS

#### SUDAN—RESPONSE TO SITUATION IN DARFUR— ARRANGEMENT BETWEEN GOVERNMENT AND MEMBER OF PARLIAMENT FOR EDMONTON—MILL WOODS—BEAUMONT

**Hon. Gerry St. Germain:** Honourable senators, my question is to the Leader of the Government in the Senate. In recent weeks, we have witnessed a Liberal government that is so desperate to remain in power that it seems to be spending billions of tax dollars to buy support for the next general election. However, even more disturbing is the government's knee-jerk reaction to a major humanitarian crisis, all in the name of currying political favour. The Government of Canada has said that it will send 30 military advisers to Darfur. Last week, that figure rose to 60; now, I believe, the number of military advisers has climbed to 100, along with \$170 million in aid.

• (1820)

I also believe there is no ratified UN resolution sanctioning the sending of soldiers, that the Khartoum government along with the African Congress have not been involved in the determination of what Canada could do. Why did the federal government virtually ignore the crisis for two years and then respond only when it seemed politically expedient to Member of Parliament Kilgour?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the honourable senator has his facts wrong. This government has been the leader in dealing with the situation in Sudan, first of all in the south where Canada has been instrumental in assisting in the conclusion of a peace agreement between the government in Khartoum and the people of southern Sudan.

With respect to Darfur, an issue has arisen in the past few months, and Canada has proceeded to respond ahead of all other countries. The African Union was given the mandate by the United Nations to take a position in Darfur and to put troops there. No other country has a UN mandate to be there. Sudan is relying on the position taken by the United Nations with respect to refusing the presence of all military personnel except from the African Union.

Given that this is the case, the Canadian government has been in active cooperation with the African Union. In delivering resources, we have provided transportation for African Union troops. We leased helicopters and provided those helicopters to them. We have put advisers on the ground in neighbouring countries to assist them.



NATO has been asked to give assistance to the African Union. The diplomat Alpha Konare has asked NATO for Canada-type logistical pledges to help Africa ramp up its Darfur force to 12,000 troops and police from the current 2,400. If every NATO member adopts Canada's approach, then the African Union will receive \$4 billion in aid and an offer of 2,500 NATO advisers and much-needed equipment.

Honourable senators, the truth is that Canada is playing a strong supporting role and is doing its share in Darfur.

**Some Hon. Senators:** Hear, hear!

**Senator St. Germain:** I do not know why the Liberals are clapping. Canada seems to be leading the parade, yet 300,000 people have died, apparently, since the Prime Minister's last visit. The raping and murdering continues. The Prime Minister has been over there. It was not until David Kilgour made his demand that we had additional advisers put on the ground and an additional \$170 million in funding.

Honourable senators, Senator Fairbairn was Leader of the Government in the Senate when I was asking similar questions on Rwanda. I asked her day after day, the same way I am doing now. What is happening is totally unacceptable. NATO went into Serbia. Was it because they were White and these are people of colour? Was there an ulterior motive?

Senator Rompkey is shaking his head. Why is it that we are not doing something? Whenever it is Africa, we do nothing. Day after day we stand by and watch the murders and the rapes; we do nothing. Yet when Bill Clinton decided to go into Serbia, we were right there with him. I am not saying that was wrong. Why is it that when Africa is involved, we drop the ball?

Why is it that the government sent two emissaries, both of whom are Liberals? Why not send an independent or an opposition member so that at least the perceived reporting would be fair? I am not questioning the credibility of Senator Jaffer or Senator Dallaire. Why only Liberals? Is there something this side should know?

**Senator Austin:** Honourable senators, it is very difficult to deal in a rational way with an emotional outburst such as we just heard.

The truth is that the Government of Canada cannot handle Darfur's problems by itself. The truth is that it takes an international agreement. The truth is that the African nations asked the United Nations for a mandate to deal with issues in Africa, and the United Nations responded to the African Union by giving them the mandate. It is the African Union that has the responsibility of organizing resources from the world community. Canada has done its share, and the African Union has said just that. Canada is assisting the African Union in approaching NATO countries to add to Canada's contribution.

Honourable senators, we all share the moral indignation concerning events taking place in Darfur. It is regrettable that the United Nations does not have an instrument that allows an

immediate capability to respond. We, in Canada, are very concerned with Darfur, but the suggestion made by Senator St. Germain that somehow Canada, alone in the world, can carry all the responsibility for dealing with the problems in Darfur is erroneous, to put it nicely.

With respect to the question asked, the government has chosen a career diplomat, Robert Fowler, to lead a task force to review events in Darfur, to review Canada's contribution, and to intercede where possible to ameliorate the situation. We have two honourable senators on this side with expertise in these specific situations, as Senator St. Germain has I believe indicated.

The government chooses its advisers as best it can, and it has chosen wisely in this case. I do not know if Senator St. Germain has noticed the adversarial character of Parliament today and the efforts of the party he supports in the other place to vote non-confidence in the government. In our parliamentary process, that is the nature of the Westminster model. It is not likely in these political circumstances, therefore, that the government would choose someone who is determined to bring the government down.

**Senator St. Germain:** I can guarantee that if senators on this side of the chamber were with Senator Jaffer and Senator Dallaire, they would do their duty in a non-confrontational and non-combative way. The honourable leader infers that we cannot get proper representation in this place. We have always said that what they do in the other place stays in that place; what we do here is completely different. I think it is a shame that the senator opposite would put matters in that context.

• (1830)

We are told Robert Fowler is reviewing the events. What will he review — more murder, more rape? We know what is going on there. The Prime Minister was there. Ask Senator Jaffer. I am asking the minister to give us a report. We do not need Mr. Fowler there. If he can help, great.

We were talking about emotions. Many issues in this world, honourable senators, require emotions to get something done. We can all sit back on our hands. We did it in 1939, and we have done it at other times. I say to you that this is not a political issue. This is about the lives of people — people who are the same as you and me. They raise their families, go to church and believe in their God. We are told not to get emotional about this situation. If we do not get emotional about this, there is nothing in the world we should ever get emotional about, because they are being murdered and raped. We, in the free world, are basically standing by, saying it is someone else's responsibility. The African Union is not doing the job. Let us get it out of the way and do something proper. Let us take the lead.

**Senator Austin:** Following Senator St. Germain's emotional outburst, I wonder how one would get the African Union out of the way.

**Senator St. Germain:** We went into Serbia with NATO, and we could do the same there, without a question of doubt. If NATO cannot do it, no one can do it, because the greatest powers in the world belong to NATO.

**Senator Austin:** Honourable senators, history will show that even the Europeans, with the war in Yugoslavia going on in their backyard, took no action until President Clinton forced the issue on them. Canada, of course, was with the United States as part of a consortium to deal with that issue.

We are waiting in this case for major country leadership by the United States or Europe. We are not a major power in the world, but we are a power of high human value. I keep repeating to the honourable senator, but he does not want to hear it, that Canada has done more than any other country to assist in Darfur. We have accepted the UN's direction. We assist the African Union in every way we possibly can, and they have shown tremendous appreciation for what we have done.

**Some Hon. Senators:** Hear, hear!

**Senator St. Germain:** We may have done as much as we can, Senator Austin, but are we doing enough? That is the question. I rest my case.

**Senator Austin:** Honourable senators, I wanted to clear up one point that was not made by Senator St. Germain, as he says, of a political nature, because none of the questions he has asked have political character, and that relates to David Kilgour in the other chamber. Canada's decisions with respect to Darfur are made on the situation as we can develop it. So far, the honourable senator may have noticed, Mr. Kilgour has not spoken with approval of Canada's measures.

**Hon. Marcel Prud'homme:** I would like agreement of the Senate on one issue, which is to thank Senator Smith for being present. It is his birthday today.

**Senator Austin:** It is his duty to be present on his birthday.

**Senator Prud'homme:** There is always the possibility of unanimity in the Senate.

[Translation]

Was independent MP Carolyn Parrish consulted about joining the group, with Senators Jaffer and Dallaire, on the matter of Darfur?

[English]

**Senator Austin:** Honourable senators, that is not a question properly put to me.

## JUSTICE

### SAME-SEX MARRIAGE BILL—SUPPORT OF VATICAN

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, the Leader of the Government's colleague, the Minister of Justice, is reported in today's *Montreal Gazette* as stating that he had found a willingness on the part of Vatican officials to listen to his arguments concerning the same-sex marriage bill. Could the minister find out to which officials in the Vatican Mr. Cotler was referring?

**Hon. Jack Austin (Leader of the Government):** We will certainly make inquiries, honourable senators.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting two delayed answers to oral questions raised in the Senate. The first is in response to an oral question raised on March 22, 2005 by Senator Kinsella regarding the Halifax Port Authority, cutback in number of patrolling police officers.

[Translation]

I also have the answer to an oral question raised on May 4, 2005 by Senator Comeau on the protection of inland fisheries.

## PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

### HALIFAX PORT AUTHORITY—CUTBACK IN NUMBER OF PATROLLING POLICE OFFICERS

*(Response to question raised by Hon. Noël A. Kinsella on March 22, 2005)*

The port of Halifax is managed, including its security programs, by an autonomous port authority and questions relating to security decisions are the responsibility of that authority. Questions relating to the number of Halifax Regional Police Service (HRPS) officers in the port should be directed to the Halifax port authority or the HRPS.

Transport Canada is responsible for developing and administering specific acts and regulations that support security and safety within Canada's marine transportation system, including the ports. This includes the overall responsibility of regulations respecting the transportation of dangerous cargos / goods, ship safety and navigation service regulations.

The Halifax port authority shares in this responsibility by ensuring port facilities, infrastructures and plans meet the required security standards set by Transport Canada.

The RCMP is responsible to lead criminal investigations at the Halifax port to address threats relating to national security, organized crime and other federal statutes. The RCMP also partners with other organizations, such as the Halifax Regional Police Service, in activities relating to intelligence gathering / analysis, emergency response and interdiction efforts at Canada's ports.

The Canada Border Service Agency (CBSA) is responsible for ensuring the goods and people entering and exiting the Halifax port are in accordance with Canadian law and do not present a risk to the safety of Canadians. The CBSA conducts activities relating to the



screening and examining of passengers, crew, marine vessels and cargo, and partners with other agencies in intelligence gathering or analysis at Canadian Ports.

The Halifax Regional Police Service, as the police force of jurisdiction for the port of Halifax, is responsible for investigating matters under the Criminal Code such as thefts and assaults. The HRPS works closely with federal agencies to promote security within Canada's ports. This work includes assisting with intelligence efforts and acting as first responders in emergency situations.

## FISHERIES AND OCEANS

### FOREIGN FISHING—COMMENTS BY PRIME MINISTER

*(Response to question raised by Hon. Gerald J. Comeau on May 4, 2005)*

As the Prime Minister and Minister of Fisheries and Oceans have made clear — strengthening international fisheries and oceans governance is necessary — not only on the Nose and Tail of the Grand Banks, it's also necessary in high seas around the world.

During May 1-5, 2005, the Government hosted a major international conference in St. John's, Newfoundland and Labrador, on the *Governance of High Seas Fisheries and the United Nations Fish Agreement — Moving from Words to Action*. This conference was a key activity in Canada's strategy to combat global overfishing and improve international fisheries governance. This conference has launched an international process that will lead to strengthened governance and updated high seas fisheries management.

Prime Minister Paul Martin has lent his full support to this process from the beginning. Cabinet has approved funding for this — \$15 million annually in the February budget to combat overfishing, and increase surveillance and monitoring in the NAFO Regulatory Area, and recently an additional \$20 million over the next three years to fight this problem and improve international fisheries governance. This priority area is also featured in the Government of Canada's new International Policy Statement. The Prime Minister also demonstrated his commitment to this process by addressing the conference delegates at the opening on May 1, 2005.

Ministers or their representatives from 19 countries outlined a vision for reforming high seas fisheries governance in a Ministerial Declaration. This document was the result of proceedings chaired by Minister Regan at the conference. The Declaration sets a number of political commitments and a strong global consensus to modernize the organizations that we use to manage the world's fish stocks. It sets out the goals we want to achieve and how we want to achieve them as a global community.

In the Declaration, Ministers urged all states to ratify international agreements, such as the UN Fish Agreement. They also agreed to modernize the regional fisheries management organizations used to manage high seas fisheries by:

- Making decisions based on sound science;
- Using the precautionary approach to ensure the conservation of fish stocks;
- Ensuring the rules of these organizations are clear, understandable and consistent with international agreements; and
- Enforcing catches and fishing effort to ensure compliant fishing behaviour.

As a follow up to the Ministerial Declaration, there were five workshops where international representatives, academics and ENGOs discussed ecosystems considerations, compliance and enforcement, decision-making processes, balancing capacity and aspirations of developing states and new areas and gaps. A summary report entitled "The Way Forward" was prepared on the main conclusions of these workshops.

The government will be using the Ministerial Declaration and the summary report "The Way Forward" as a roadmap. We will be working with other members of the Northwest Atlantic Fisheries Organization (NAFO) on strengthening NAFO, to improve its ability to manage fish stocks under its jurisdiction, modernize its management practices—including the application of ecosystem-based management and the precautionary approach—and improve compliance and enforcement. The additional \$20 million over three years investment recently announced will help us to move forward on a number of fronts, including more scientific research on the Grand Banks, and the creation of a global advocacy campaign to curb overfishing around the world.

We will be taking a number of follow-up initiatives consistent with the objectives of the conference to move toward concrete actions. In addition to NAFO, we will work to make all regional fisheries management organizations and fisheries mechanisms more effective and accountable through modernizing their roles, mandates and approaches. Canada also will seek to foster cooperation and synergies between regional fisheries management organizations to take action on areas of mutual concern, such as Illegal, Unreported and Unregulated (IUU) Fishing. Given the diverse capacities of regional organizations to take on these challenges, a rigorous international regime cannot be expected to emerge within five years, but will take ongoing efforts.

Other delegations also announced specific steps that they will be taking in the next two years to follow up on the commitments in the Ministerial Declaration. These steps are outlined in the summary report.

In addition to the foregoing, the Advisory Panel on the Management of Straddling Stocks in the Northwest Atlantic, which Minister Regan established in December 2004, is expected to report to the minister in early June. The conclusions and recommendations of the Panel will be important as we move forward.

[English]

## ORDERS OF THE DAY

### CRIMINAL CODE

#### BILL TO AMEND—THIRD READING

**Hon. Catherine S. Callbeck** moved third reading of Bill C-10, to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts.

**An Hon. Senator:** Question!

**Senator Prud'homme:** Question!

**The Hon. the Speaker:** Some senators are rising.

**Hon. A. Raynell Andreychuk:** Honourable senators, I do want to put a few comments on the record with respect to Bill C-10. This bill is in response to a bill that was passed in 1992 when a bold step forward was taken on how we handle those with mental illnesses or mental disabilities in courtrooms across Canada. There was a review process built into that bill. The review did not occur when it should have, and there was some time delay. However, as I said in my initial speech, I give credit to the House of Commons committee for bringing forward witnesses and for analyzing the new changes that were being proposed with respect to this procedure.

In our study in the Standing Senate Committee on Legal and Constitutional Affairs, a number of points came home to me, and I think they are worthy of note. The first is that our courts are being used as an answer to the needs of the mentally ill. In our zeal and zest to release those from our mental institutions who perhaps could have had the benefit of other resources and been handled in other ways, we have put them into our communities without proper resources. We heard that those with mental disabilities often did not have housing and the support and supervision that they needed to cope in the community. Therefore, mental health issues continued to plague these people to the point where they were coming into conflict with the law. They were ending up before the courts rather than being channelled to an institution or to medical supervisors who could help them.

We created victims of people who suffer from a mental incapacity that precluded them from knowing right from wrong, in some cases, or from functioning appropriately, in other cases. We should have realized that we would need more resources in the community if we did not want to find these people before the criminal law system. We did not afford them what a modern society should do for its citizens, at least those citizens who are least able to help themselves. In fact, we reduced the number of health facilities over the last number of decades, and as a result, those who needed them most suffered most.

We created a second category of victims — those who found themselves in conflict with those who had disabilities. Some of those people lost their lives, some were raped, some were

assaulted and others were affronted in less serious ways. These people suffered unnecessary and often long-term debilitating conditions. They could not cope with their lives because the first person who did it to them could not cope with life in the community. In this proposed legislation, we were dealing with two sets of circumstances and two sets of victims.

• (1840)

Bill C-10 is a fair and balanced attempt between the mentally handicapped person and the person who is the victim. There was some discussion as to whether victim impact statements would be appropriate. In my opinion, victim impact statements in a mental review situation are appropriate. These reviews, if harmful in any way to accused persons who find themselves the subject of a review process, then the review board or the court in the first instance could opt to not allow victim impact statements. However, the chairman of the review board came before us and said that he could contemplate few cases where a victim impact statement would not be in the best interests, even of the person with the mental disability, and to go through the process with the victim.

We found that 80 per cent of victims of those who come in conflict with the law and have a mental disability are either family members, friends, close associates or neighbours. It was found that most often there had been a prior relationship between those involved and that that relationship, in all likelihood, continues. Therefore, it is not as traumatic as it would appear at first blush. While there may be some legal arguments to be made against it, in weighing the information it would appear that the victim impact statement is necessary, and in some cases even for the rehabilitation of the person who was the subject of the review. However, the victim does need to go through the process of knowing where this person will be and how he will be handled if the rehabilitation is to be appropriate.

Honourable senators, I believe that we are moving in the right direction to take away the need for constant reviews, when we know that the person's condition will not change or vary, and the person will not recover. In such cases, an absolute discharge could be given by review boards, which is the appropriate measure.

I will not repeat what was said by witnesses before the committee. Valid points were made. I thank the Honourable Senator Bacon, Chair of the Legal Affairs Committee, for extending the hearings so that members could hear from the Barreau du Québec and many others on the legal points of Bill C-10. No doubt this bill could be and should be improved because understanding mental illness and how its conditions can adapt is an ongoing process. We must continue to review our legislation to ensure that we are doing our best for those who come into conflict with the law.

Honourable senators, the criminal court system is becoming the repository for all other ills in society. When we fail in our social services, people inevitably come before the courts because they are static. When one comes in conflict with the law, one will be dealt with. This is not the way in which society should move forward; in fact, it is a regression.



We use the youth court system rather than provide preventive services early on in the lives of young people. We have more young people in conflict with the law. We have an increase of people with mental problems before the courts because they do not have access to the medical facilities and treatment that they need. This situation cannot continue. We are a modern, advanced society with an excellent social safety net, but that net has too many holes in it through which many individuals fall, and the only place to land is in court. This cannot continue.

I am pleased that the committee will continue to monitor this situation and be a signal to government that the current system cannot continue to expand the options under the Criminal Code and treat as criminal acts behaviour that should be treated in other arenas. I am also pleased to know that the Standing Senate Committee on Social Affairs, Science and Technology is looking into mental illness as well. Perhaps the two committees will be able to shed some light on the issues and develop possible recommendations to pressure the government into dealing with the matter.

We have too many categories of victims in society. We need to exercise more preventive services and work with the provinces to develop better ways to look after people. Perhaps then we would not put such a strain on the courts and we would not have such an outcry from people to toughen the criminal justice system. We would allow the criminal justice system to do what it is supposed to do. We would not have to hear the kind of testimony that we heard before the Standing Senate Committee on Legal and Constitutional Affairs in respect of Bill C-10.

Honourable senators, Bill C-10 is a good attempt. It was amended in the other place and we need to follow it through. Bill C-10 is not a problem; rather, the problem is a lack of services.

**The Hon. the Speaker:** Seeing no senator rising, I will put the question.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

## BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Your Honour, I should like to call the orders in the following sequence: Item No. 3, Bill C-13, and then Item No. 2, Bill S-31.

### CRIMINAL CODE DNA IDENTIFICATION ACT NATIONAL DEFENCE ACT

#### BILL TO AMEND—SECOND READING

**Hon. Landon Pearson** moved second reading of Bill C-13, to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

She said: Honourable senators, I rise to speak in favour of Bill C-13. Canada's DNA data bank legislation was enacted in December 1998 and came into force on June 30, 2000, when the National DNA Databank opened for business.

It is safe to say that DNA was new then, and there were many concerns regarding its use and how the courts would accept the compulsory taking of DNA samples. I remember well the discussions we had on this issue in the Standing Senate Committee on Legal and Constitutional Affairs.

Because of these concerns, great care was taken in the design of the legislation. The definition of "designated offence" is central. The police can only obtain a DNA warrant for a designated offence, only persons who have committed a designated offence are eligible for inclusion in the National DNA Data Bank, and only DNA derived from evidence related to a designated offence may be upload into the National DNA Data Bank.

• (1850)

The designated offences are divided for purposes of making a DNA data bank order into primary and secondary designated offences. The distinction between the two categories of designated offences is that the court is required, subject to a limited discretion, to make a DNA data bank order against an offender convicted of a primary designated offence, while, in the case of secondary designated offences, the prosecutor has discretion to seek a DNA data bank order and the court has a broader discretion not to make the order.

The legislation also contains important protection against misuse of DNA profiles. It is an offence to use a DNA profile for any other purpose than the investigation of crimes. The National DNA Data Bank has developed a system of separating the DNA profile from the identifying information. This is way it works. The bodily sample that is to be analyzed and the identifying information on the offender, which is based on fingerprints, are both identified by the same bar code.

The DNA data bank keeps only the sample and sends the identifying information to the criminal identification branch. The analysis is tracked by bar code; the DNA data bank does not know who the offender is. When there is a match, the data bank advises the criminal identification branch of the bar code and the criminal identification branch identifies the convicted offender.

I understand that the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness in the other place heard from witnesses involved with the British DNA data bank and learned from them that Canada's protections against misuse of DNA profiles are superior to those in existence in the United Kingdom, where they do not separate the profiles from the identifying information.

In *Hendry*, a decision of the Ontario Court of Appeal widely quoted in decisions in other provinces upholding the legislation, the court considered these protections and held that:

In balancing the offender's right to privacy and security of the person against the state interests in obtaining the offender's DNA profile, the court must consider the following. The legislation offers significant protections against misuse of the DNA profile information, thus minimizing an improper intrusion into the offender's privacy. Having been convicted of a designated offence, the offender already has a reduced expectation of privacy. In the ordinary case of an adult offender, the procedures for taking the sample have no, or at worst, a minimal impact on the security of the person. Thus, in the case of an ordinary adult offender, there are important state interests served by the DNA data bank and few reasons based on the privacy and security of the person for refusing to make the order.

The existing legislation contains a limited retroactive provision. A DNA sample could be obtained on application to a provincial court judge where a person was a dangerous offender, had committed two murders at different times or two sexual offences at different times.

Today, after almost five years of experience with the legislation, with strong support for the use of DNA by the courts and, I believe, greater appreciation of the potential of DNA to solve crimes and to exonerate the innocent, we have the basis to build on to make greater use of this important tool.

As honourable senators know, the National DNA Data Bank includes a crime scene index, containing DNA profiles derived from bodily substances found at a place where an unsolved crime was committed, and a convicted offenders index, containing the DNA profiles of persons who have been convicted of designated offences.

The DNA data bank works by comparing all new profile entries to all previous ones and determining whether any genetic profiles match. If there is a match between a profile in the convicted offenders index with a crime scene profile, the police are advised of the identity of the convicted offender. The police can then focus their investigation. There may be an innocent explanation for the presence of the offender's DNA, but in many cases the police are able to solve a crime that was otherwise a cold case. Similarly, if there is a match between two profiles in the crime scene index, the police investigating both crimes are advised. They can discuss with one another the evidence they have accumulated in both cases and perhaps their joint work will solve the cases and lead to the arrest of a serial offender.

As of May 9, there were 77,255 profiles entered into the convicted offenders index and 21,424 entered into the crime scene index. There have been 3,270 crime scene to offender hits and 408 crime scene to crime scene hits. In total, the National DNA Data Bank has assisted almost 3,700 police investigations, including 210 murder investigations, 74 attempted murders, 507 sexual assaults and 417 armed robberies.

Honourable senators should also remember that a negative result can be valuable to the police. A DNA sample found at a crime scene can be quickly compared against those in the current data bank, allowing police to narrow their investigation, which will avoid the questioning of past offenders in the data bank who are trying to live normal lives. This process saves valuable time and resources, ensuring greater protection for the public.

Bill C-13 is the fruit of a lengthy process. In August 2001, when the legislation had been in force for little over a year, the Uniform Law Conference passed a number of resolutions calling on the government to consider, in consultation with the provinces and territories and other stakeholders, changes to the DNA data bank legislation on a priority basis. The consultations were delayed until late 2002 as the government dealt with the consequences of 9/11. They were somewhat broader than the resolutions passed by the Uniform Law Conference, but the government found a large consensus to deal with certain issues in advance of the five-year review, which is to take place this year. Specifically, the consultations showed support for the changes recommended by the Uniform Law Conference.

These changes are as follows: One, the inclusion of the historical offences of indecent assault female, indecent assault male, and gross indecency in the list of designated offences; two, the inclusion of those individuals found not criminally responsible by reason of mental disorder within the DNA data bank scheme; three, clarification of the method of compelling the offender's attendance in court at a hearing to determine whether a DNA data bank order should be made; four, the creation of a process that would permit a judge to make a second DNA data bank order where the National DNA Data Bank has declined to process the first one because of police error in completing the forms that must accompany the bodily substance submitted for analysis; five, a creation of mechanisms to require the offender to appear for the purpose of providing a DNA sample; six, the inclusion of persons declared dangerous offenders otherwise than under Part XXIV of the Criminal Code and those offenders convicted of break and enter and commit a sexual offence; and finally, the inclusion of the historical offences of indecent assault female, indecent assault male, and gross indecency in the definition of sexual offence in section 487.055(3) for the purposes of the retroactive scheme.

In addition, there was support during the consultations for the following: First, to add offences to the list of "designated offences" covered by the DNA data bank scheme including organized crime, "participation offences," uttering threats and criminal harassment; second, support to move "robbery" and "break and enter into a dwelling house" offences from the list of secondary designated offences to the list of primary designated offences so as to increase the likelihood that a court would make a DNA data bank order; third, to expand the retroactive scheme; four, to create a procedural mechanism to have a DNA data bank order that appears on its face to have been made for a non-designated offence reviewed and, where it is shown the court lacked authority to make the order, to authorize the destruction of the bodily substances taken under its authority; and finally, to ensure that an offender's DNA profile remains in the DNA data bank until all orders against the offender have been quashed.

All of these changes were contained in Bill C-35, which died on the Order Paper in May 2004. Bill C-13 in turn built on what was in Bill C-35. It proposed significant changes to the list of primary designated offences, including all child pornography offences, sexual exploitation of a person with a disability, Internet luring of a child, living on the avails of prostitution of a person under 18, overcoming resistance to the commission of an offence, breaking and entering into a dwelling house, and extortion.



• (1900)

In addition, Bill C-13, as originally introduced, made additions to the list of secondary designated offences, including criminal harassment, uttering death threats and being unlawfully in a dwelling house.

Clearly, these changes were not made arbitrarily by the government. The changes were made as a result of concerns expressed by the provinces, victims' groups and other stakeholders that serious offences had been omitted from the list. After extensive hearings, all parties in the other place came to an agreement to strengthen even more the DNA legislation, while remaining within the existing framework and respecting Charter rights.

The following major changes have been made. One, a procedure has been developed to allow the data bank to engage in communications, including the exchange of DNA profiles, without identifying information with regional forensic laboratories in cases where the DNA profiles supplied by those laboratories were less than complete and so there is some doubt whether a profile in the DNA data bank is a match.

Two, the retroactive scheme is to be expanded to cover all murderers and sex offenders, as well as persons convicted of manslaughter, who were convicted prior to June 30, 2000, when the proposed legislation came into force, rather than requiring that the offender have committed two murders, two sexual offences or one murder and one sexual offence. The making of the order is not automatic. The Crown will have to apply, and a provincial court judge will have to conclude that it is appropriate in a given case to make the order given the potential danger the offender will represent to society if he or she is released into the community. This amendment will make approximately 4,700 more offenders eligible for the DNA data bank.

The procedure, which has been found to be constitutional, has not been changed. The Crown will have to convince a judge on the basis of the offender's record and the circumstances of the offences committed that the person's DNA should be included in the convicted offenders index. The judge will take into account the entire record.

This expansion of the retroactive scheme does not change the sentence imposed on the person. It is a procedural provision that does not affect day-to-day life if an individual has been paroled. The DNA simply will be on file should the individual commit an offence in the future.

Three, the bill before us contains an amendment to remove judicial discretion with respect to persons convicted of the worst primary designated offences, including murder, attempt to commit murder, manslaughter, assault causing bodily harm, aggravated assault, sexual assault with a weapon, aggravated sexual assault, kidnapping, robbery and extortion. What

characterizes these offences is that they are the most egregious of the primary designated offences and they involve terrible acts of violence against the person.

This amendment responds to the concern that, even for the most heinous crimes, the National DNA Data Bank does not appear to be receiving as many profiles as would be expected. It appears that DNA orders are only being made in about half the cases of a primary designated offence conviction. No one is absolutely sure why the limited discretion for making a DNA data bank order appears to have led to an underutilization of the legislation, but the creation of a mandatory category for the worst of the worst offences should result in significantly more orders being made.

Four, in addition, under Bill C-13, all indictable offences under the Criminal Code punishable by a maximum of five years' imprisonment or more would be secondary designated offences. The indictable offences of trafficking, possession for the purpose of trafficking, importing, exporting or production under the Controlled Drugs and Substances Act also would be listed as secondary designated offences.

The choice of a five-year cut-off has constitutional significance in terms of Charter consistency. Five years is not only a recognized borderline in terms of specifying the seriousness of the offence, it is also the point of demarcation that the Charter specifies in terms of entitlement to trial by jury. Because the order is only made on application to a judge and must consider the nature and circumstances of the offence and the criminal record of the offender, and the application can only be made if the offence has been prosecuted by indictment, it is expected that this change will be Charter consistent.

Honourable senators, this is an overview of the significant improvements to Canada's DNA data bank legislation contained in Bill C-13. The bill does not alter the protections of the Charter rights and privacy protections that have been central to the acceptance of the existing legislation by the courts.

There is no doubt that, if Bill C-13 is adopted, many more DNA data bank orders will be made and this will increase the number of profiles in the convicted offenders index. In addition, the police will be able to obtain DNA warrants for more offences and upload more profiles to the crime scene index. With more profiles in the data bank, there will be more hits and more police investigations assisted. With more offenders identified through their DNA, Canada will be safer.

I urge all honourable senators to give speedy passage to Bill C-13.

[Translation]

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I would like to take part in this debate on second reading of this bill. In the summary that precedes the text of the bill, we see that it amends the provisions in the Criminal Code respecting the taking of bodily substances for forensic DNA analysis and the inclusion of DNA profiles in the National DNA Data Bank and makes related amendments to the DNA Identification Act and National Defence Act. It clarifies that the forensic DNA analysis of the bodily substances taken from convicted offenders for the purposes of the National DNA Data Bank will be conducted by the Commissioner of the Royal Canadian Mounted Police.

[English]

Honourable senators will recall previous legislation covering the use of DNA in criminal investigations, including Bill C-104, which came into effect in 1995. That legislation gave judges the ability to issue a warrant for police to collect biological samples for DNA analysis for use in criminal investigations.

Then we had Bill C-3, the DNA Identification Act, which received Royal Assent in 1998. That legislation established the National DNA Data Bank — the NDDB — the repository for bodily fluid samples obtained from criminals convicted of certain offences for DNA analysis, as well as samples from crime scenes.

Then we had Bill S-10, which amended the National Defence Act. Honourable senators will recall that bill received Royal Assent in the year 2000. Under that legislation, military judges could now issue DNA warrants to investigate designated offences by persons subject to the Code of Service Discipline and make DNA data bank orders.

These bills, at the time, were unprecedented in the extent to which they intruded into a person's private information, his or her DNA, his or her genetic code, as it were. This code contains not just distinguishing information such as in a fingerprint, but also information with potentially wide-reaching consequences, information that could one day include predisposition to disease or even perhaps predict behaviour.

Honourable senators, while these bills, which are now statute, did improve the criminal justice system, they raised concerns about a person's right to privacy and right to security. As Senator Grafstein stated to the Standing Senate Committee on Legal and Constitutional Affairs on November 25, 1998, while discussing the DNA Identification Act

...DNA has the potential to reveal much more about a person than a breath sample, a fingerprint or even a routine blood test. DNA can be a source of great exploitation of the privacy of the individual. Most of us here are concerned that information gathered as a result of DNA testing is used only for the purposes set out in this bill.

To date, these intrusions into a person's privacy have been found constitutional by our courts. The warrant scheme has survived a Charter challenge.

• (1910)

On October 31, 2003, the Supreme Court of Canada in *R. v. S.A.B.* ruled unanimously that seizing bodily samples from a suspect for DNA analysis, pursuant to a DNA warrant issued under the Criminal Code, does not violate the suspect's constitutional rights against unreasonable search and seizure. Madam Justice Louise Arbour wrote:

The factors that favour the importance of the search for truth...outweigh the factors that favour protecting the individual against undue compulsion by the state....On balance, the law provides for a search and seizure of DNA materials that is reasonable.

Honourable senators, we need to be certain that we are not contributing to the erosion of human rights in Canada. In the interests of public security, we have handed over broad powers to authorities of the state at the cost of our human rights. These are powers that we need to introduce very cautiously, because once they are out there, they are very difficult to rein in.

We also need to recognize that democracy is based not only on trust but on verification, justification, accountability and reliability. It is not enough for us to "trust" that authorities will not abuse their powers like some benevolent dictator. We need to have checks and balances in place to ensure that fundamental rights and, in this case, privacy rights are protected.

We are dealing clearly with a scientific field, the sampling and analysis of DNA, which is in a state of flux, with advances being made on a continuous basis. The tiny sample of DNA that today serves only to link a person to a crime scene may tomorrow be capable of yielding a great deal more. The technology used to study DNA is constantly changing and improving. With that in mind, we must be ever vigilant that safeguards and oversight are in place to protect a person's privacy, to protect even those found guilty of crimes from undue invasion of their most basic identifying characteristics.

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness in the other place examined this bill and added a number of amendments that they believed strengthened the bill to help ensure it will stand up to a Charter challenge. We in our committee would want to pay special attention to those provisions.

I would like to point out two major amendments. First, judicial discretion remains to permit judges to disallow an application by the Crown for a DNA sample. This is necessary to ensure that the law will survive a constitutional challenge; but for the worst offences, this discretion will be gone.



Second, the bill, as passed by the House of Commons, now includes a retroactive measure, alluded to by Senator Pearson, which will require inmates convicted of a single murder, sexual assault or manslaughter to provide samples for the DNA data bank.

I applaud the hard work of our colleagues in the other place that resulted in these changes. However, I still have concerns regarding the proposed legislation. They are the same concerns that I have had about the use of DNA from the beginning. In 1998 when we were discussing Bill C-3, which created the National DNA Data Bank, I noted:

The issue for parliamentarians is to determine whether or not DNA analysis will be an instrument that is wielded as a scalpel to deal with those guilty of serious crimes and not used to vilify all in society.

The DNA data bank has put into place several safeguards to help ensure that privacy is protected. We will have to be vigilant in questioning whether they continue to be sufficient to protect the privacy of a convicted offender.

A representative from the Office of the Privacy Commissioner of Canada currently sits on the DNA Data Bank Advisory Committee, and the committee reports annually to the Commissioner of the RCMP. This committee and the representation of the Privacy Commissioner is not enshrined in the bill and may not be sufficient to monitor issues. In fact, the Privacy Commission may not have the resources needed to adequately monitor the work at the data bank. Perhaps what is required is a stronger audit authority for the Privacy Commission over the DNA data bank in light of the nature of DNA and the potential for abuse.

This issue of privacy becomes more complicated when sharing information with other countries to help solve crimes. Canada has no control over this information once it leaves the country, unless that control is specifically provided for in exchange agreements with other countries. The DNA Identification Act itself deals with this matter in section 6. However, senators may recall that Bruce Phillips, the former Privacy Commissioner, expressed his concerns about the matter when he told our Senate standing committee in 1998:

With respect to informational exchanges that are made under agreements between the Government of Canada, and not only international but also provincial entities, yes, there is a very serious problem here. This statute, along with many others, authorizes informational exchanges. In many of those cases, we, as an office, have no right or role in their construction to ensure that adequate privacy protection will exist in the hands of the recipient of the information.

Bill C-13 does not touch on this issue at all. I believe this may be an area that we need to revisit. I certainly hope it will be canvassed by the committee examining this bill.

To a certain extent, even the use of DNA is left dangling under this bill. The definition of "forensic DNA analysis" has not changed since the act was first discussed in 1991. Some would

argue there is a loophole connected with it that leaves further use of DNA samples open to abuse. As the former Privacy Commissioner stated in his testimony on the subject of Bill C-3, which established the National DNA Data Bank, the bill:

...does not adequately define what forensic DNA analysis is. It does not, in this bill, specifically limit the use of that information to the identification aspect. It leaves open the possibility of using the information for other things.

Again, this is a matter that merits our attention, and it will need to be reassessed on an ongoing basis.

I understand that due to cost considerations DNA profiles are developed in groups of 36 or so. In other words, there is a bundling of profiles. As a result, it may not be possible to destroy or dispose of one profile without destroying all the profiles that were processed together.

• (1920)

While the techniques will doubtlessly change, in the interim a person who is "finally acquitted of every designated offence in connection with which an order was made" will find that it may not be practically possible for the implementing authorities to comply with the bill that states in clause 18, in proposed subsection 9(2):

Access to information in the convicted offenders index shall be permanently removed without delay...

The profile remains in place, but the identifying information is gone. Is this sufficient protection for a person's right to privacy? The evidence seems to suggest that it is, because the person is no longer linked to his profile. This is yet another matter that warrants further investigation, which I commit to our colleagues who will sit on the committee and undertake clause-by-clause examination of this bill.

There is also the matter of the backlog in the DNA casework, although Department of Justice officials assured the committee in the other place that there is no backlog at the National DNA Data Bank. However, Bill C-13, especially with the included amendments, will result in an increased workload. If the investigative laboratories where the backlogs exist are unable to handle the increased workload, the intent of the legislation may be compromised, as the work will not be done.

As is usually the case, implementing legislation is insufficient without also ensuring adequate resources. It is crucial that the data bank have adequate resources to do the job that we are asking it to do.

It is worth underscoring that a review of DNA legislation is due to commence later this year. No doubt we will have an opportunity to explore some of these issues further at that time. Therefore, this may be something that our colleagues on the committee that will examine this bill might also factor in. The Senate will have a vital role to play in that larger review and examination, and I look forward to that.

We have underscored a few questions and issues associated with the bill. These issues have presented themselves as we examined other legislation on DNA in the past. Anyone who wishes to examine the record of the Senate's examination of those earlier bills will know that there is a certain corporate understanding of this type of legislation and that we approach this examination with such a background. I know that the honourable senators on the committee examining this bill will canvass the subject matter assiduously and expeditiously.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Pearson, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[Translation]

## HIGHWAY 30 COMPLETION BRIDGES BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Pierre De Bané** moved second reading of Bill S-31, to authorize the construction and maintenance of a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal for the purpose of completing Highway 30.

He said: Honourable senators, I am pleased to rise at second reading of Bill S-31, to authorize the construction of the bridges necessary to complete Highway 30 in the province of Quebec.

The completion of Highway 30 is of great interest to residents of the greater Montreal, and particularly to residents of the Montérégie and Suroît regions. Between 1968 and 1982, four unconnected sections of Highway 30 were built, and since then residents of municipalities such as Châteauguay, Beauharnois and Salaberry-de-Valleyfield, not to mention all the truckers who have to go through the Island of Montreal, have been anxiously waiting for the completion of this bypass route. Honourable senators, today, the Government of Canada is once again demonstrating its will to complete this major and strategic infrastructure project.

The completion of Highway 30 includes two sections: an eastern section of 13 kilometres, between Candiac and Sainte-Catherine, and a western section of 35 kilometres, between Châteauguay and Vaudreuil-Dorion. This last section also includes the construction of two bridges crossing respectively the St. Lawrence River and the Beauharnois Canal.

Section 5 of the Navigable Waters Protection Act provides that no work shall be built or placed over any navigable waters unless the work and the site and plans thereof have been approved by the Minister of Transport. The bridges necessary to complete Highway 30 fall into that category.

Section 13 of this same act stipulates, however, that no approval of the site or plans of any bridge over the St. Lawrence River or the Beauharnois Canal shall be given. Special legislation is therefore needed to authorize the construction of these two bridges.

Honourable senators, there is nothing new about acquiring new legislation to allow the construction of a bridge over the St. Lawrence River. For over 90 years, governments have obtained similar legislation authorizing the construction of other bridges over the St. Lawrence River, including the Pierre-Laporte bridge, which opened in 1970 near Quebec City; the Louis-Hippolyte Lafontaine tunnel, which was inaugurated in 1967; the Lavolette bridge in Trois-Rivières, built in 1967; and the Québec bridge, which was completed in 1917 and proclaimed an international historic civil engineering site by the Canadian Society for Civil Engineering.

Despite its brevity, this bill is fundamental in order to ensure that the next phases of the project are completed on schedule. Honourable senators, without this bill, there can be no bridges, and without any bridges, there can be no Highway 30.

First, this bill authorizes Quebec to construct and maintain a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal.

Second, it authorizes Quebec to construct and maintain any ancillary works required during the construction and maintenance of such bridges, and to limit the scope of the project to the location identified for the completion of Highway 30.

[English]

Bill S-31 will also assure the Government of Canada the right to oversee the various components of the Highway 30 project that might have an impact on navigation, shipping or any other area of federal jurisdiction.

We will have those assurances because the bill requires Quebec to do four things. First, it must submit to the Minister of Transport for approval the plans and specifications for the bridges and a bathymetric chart of the streams. Second, it must obtain approval from the Governor-in-Council before work may begin for the location of the bridges and ancillary works as well as for their plans and specifications.

• (1930)

Third, it must obtain new approval from the Governor-in-Council for any substantial changes in the location of the two bridges and ancillary works or in the plans and specifications for them. Finally, it must comply with all other applicable federal legislation including the Navigable Waters Protection Act and the Canadian Environmental Assessment Act.



The shipping industry has long been recognized as a key to the national transportation system and the Canadian economy. Safe and efficient operations will always be vitally important to the transportation of goods.

Honourable senators, every year close to 2,600 commercial vessels travel between Montreal and the Great Lakes through the Beauharnois Canal. Construction of the two bridges needed to complete Highway 30 must protect the navigability of such vessels so that the 29 million tonnes of commodities they transport can arrive safely at their destination.

That said, we have here in Canada a public right to navigation. That right is unwritten; it is a right of common law. If the waters are navigable, everyone has the right to navigate them. The right can only be limited by an act of the Parliament of Canada, such as the Navigable Waters Protection Act or this new bill governing the construction of the two bridges. Such legislation ensures a balance between the public's right to navigate and the need to build works in navigable waters, such as the works required to complete Highway 30.

Finally, honourable senators, in adopting a legislative framework governing the construction of the bridges needed to complete Highway 30, the Government of Canada is fulfilling its commitment to Quebec to ensure the necessary legislation authorizing the construction of the bridges is passed as quickly as possible.

Along with shipping, this bill will also have a major impact on the ground transportation of goods and passengers. Under the Canadian Constitution, roads are a provincial and territorial responsibility. Therefore, Quebec will be responsible for the construction and maintenance of Highway 30, including the bridges over the St. Lawrence River and the Beauharnois Canal. Nevertheless, these works will have to comply with applicable federal and provincial laws and with federal requirements on navigation and navigation's safety.

[Translation]

Honourable senators, an efficient, integrated and flexible transportation system is vital to the economic development of the country, the province of Quebec and the major metropolis of Montreal. Completion of Highway 30 is vital to the efficient movement of people and goods from Eastern Canada, Quebec, Ontario and the United States. This bypass route will thus enable trucks and through traffic to avoid downtown Montreal and save time and money, while reducing congestion on roads and bridges.

Much of our quality of life is moved by road. If the highway network is not operating up to speed, the quality of life of users and of residents suffers accordingly. We have only to consider the time wasted by thousands of travellers morning and night or the increased cost of the goods we buy due to the additional time required to deliver them.

Honourable senators, Bill S-31 is a vital stage in the completion of Highway 30, a project that will reduce congestion in the greater Montreal area. The Government of Canada has a commitment to

Quebec to have this bill passed, and, in this regard, honourable senators, I urge you strongly to support this initiative, which will permit the continuation of the long-awaited highway segment project.

On motion of Senator Stratton, for Senator Nolin, debate adjourned.

[English]

## CANADA GRAIN ACT CANADA TRANSPORTATION ACT

### BILL TO AMEND—SECOND READING

**Hon. Grant Mitchell** moved second reading of Bill C-40, to amend the Canada Grain Act and the Canada Transportation Act.

He said: Honourable senators, I am pleased to move second reading of Bill C-40, an act to amend the Canada Grain Act and the Canada Transportation Act. It is a great honour to sponsor a bill, and this is the first bill I have sponsored in the Senate. This bill touches on one of Canada's most important economic sectors, the agriculture and agri-food sector, and, in particular, the Canadian grain sector, which is a success story in its own right.

I am especially honoured to present this bill because it addresses an area of the economy that is of such importance and significance to my home province of Alberta.

As we all know in this place, the Canadian grain industry has worked painstakingly over the years to build a reputation for quality and purity that is the envy of the world. The payoff is a \$10-billion industry that creates jobs and prosperity for many Canadians.

Bill C-40 will amend the Canada Grain Act and the Canada Transportation Act in direct response to a WTO Dispute Settlement Body ruling on February 10, 2004. The ruling arose out of a request or, should I say more appropriately, a challenge by the U.S. government for the Dispute Settlement Body to examine two things, the role of the Canadian Wheat Board under GATT and certain trade issues related to the handling and transportation of imported grain. The ruling represented very good news about the Canadian Wheat Board and some entirely manageable news about the grain handling issues.

First, the good news: The Canadian Wheat Board has been the target of a number of challenges by the United States, both at the WTO and NAFTA, and in every case, including this latest ruling, Canada's right to market wheat through the Canadian Wheat Board has been upheld. Once again, we have been exonerated in this view by the most important trading authority, the WTO. The WTO ruled that the Canadian Wheat Board is a fair trader that meets all of its WTO commitments. It went on to rule that the U.S. did not provide any credible evidence whatsoever that the Canadian Wheat Board acts in a manner contrary to Canada's WTO obligations.

[ Senator De Bané ]

A second important point in the ruling was the insistence that Canada be entitled to safeguard and to protect the quality assurance systems that we have developed in the grain sector. These are immensely important. On the other hand, the panel did rule that certain Canadian grain handling practices, specifically around mixing different grains, entry authorization and rail transport, are in fact discriminatory against imported grains. Bill C-40 rectifies these practices and puts Canada in compliance with the ruling without — and I strongly stress “without” — compromising our grain quality assurance systems one iota.

Bill C-40 will bring our treatment of imported grain in line with our treatment of domestic grain, thereby achieving consistency with the national treatment doctrine of the WTO in the following ways: First, certain provisions of the Canada Grain Act will be repealed so that licensed elevator operators will no longer have to have Canadian Grain Commission permission before foreign grain can enter their elevators. That will be accomplished by repealing paragraph 57(c) of the act.

• (1940)

Secondly, licensed terminal and transfer elevator operators will no longer require Canadian Grain Commission authorization to mix grain of different grades. That will be accomplished by repealing paragraphs 72(1)(a), 72(2) and (3), and section 56 of the Canadian Grain Act regulations.

In addition, certain regulations of the Canadian Grain Act will be written to require that elevator operators report the origin of all grain. If they mix Canadian and foreign grain, they will be required to identify that grain for what it is — mixed. This is designed to ensure that the origin of grain is not misrepresented.

It is essential that Canada continues to have the capacity to assure our buyers that they are getting what they pay for, namely, the consistent high quality they have come to expect from Canadian grain. The Canadian Grain Commission is confident that these changes in no way compromise our ability to do this.

In addition to the amendments to the Canada Grain Act, amendments are required to the revenue cap provisions of the Canadian Transportation Act in order to bring the cap into compliance with the WTO decision. Canadian railways must operate under this cap when they ship grain in Canada. It ultimately puts a limit on how much they can charge for that service under certain circumstances.

Under Bill C-40, the cap will be extended to include foreign grain that is imported into Canada. It will not, however, apply to foreign grain that is imported into Canada, then through Canada and out of Canada to some other destination.

I want to take a moment to acknowledge the hard and expeditious work that has been done in the other place to make sure that this bill was passed quickly and without undue delay. As my honourable colleagues may be aware, there is a good deal of urgency to secure timely passage of this bill because Canada and the U.S. have agreed on a compliance date of August 1, 2005. One might ask, “So what?” Failure to put the required changes in

place by this date could open Canada to potential retaliatory action on the part of the United States. This retaliation could be authorized by the WTO as early as October 1, 2005, and would likely take the form of punitive tariffs on Canadian grain exports.

Moreover, as a medium-sized economy but one so reliant on exports, Canada needs to be vigilant about ensuring other countries abide by the rules-based trading systems, especially in regard to international trade disputes. Failure to comply with this ruling would put Canada in an unaccustomed and uncomfortable position vis-à-vis our trading partners, including the United States. I commend our colleagues in the other place for passing this bill unanimously last week with no debate at both the report stage and at third reading.

The grain sector, which includes farmers, elevator operators and other stakeholders, is certainly on side. This is reassuring. It is very much on side in supporting prompt action on Canada's part to comply with this WTO ruling.

On May 4, the Standing Committee on Agriculture and Agri-Food in the other place heard from a number of key stakeholder representatives, including the Grain Growers of Canada, the Western Grain Elevator Association, the Inland Terminal Association of Canada and Canadian Pacific Railway. There were a number of written submissions as well. All stakeholders expressed a common desire to implement the changes as quickly as possible and bring Canada into compliance.

If I could just briefly quote from testimony by Mr. Cam Dahl, representing the Western Grain Elevator Association:

Western Grain Elevator supports passage of Bill C-40 as quickly as possible... U.S. retaliation would not be in the interest of the Canadian agriculture value chain, and we would wish that the Government of Canada will take the necessary steps to comply with the World Trade Organization ruling.

In addition to the Standing Committee on Agriculture and Agri-Food hearings, the Parliamentary Secretary to the Minister of Agriculture and Agri-Food conducted extensive consultations in January of this year on these changes to the Canadian Grain Act and the Canadian Transportation Act. Farmers, producer organizations, general farm groups, elevator operators, the railways and private grain companies were all consulted. They were broadly supportive of this approach, the approach embodied in Bill C-40, to dealing with the issues outlined in the WTO ruling. There was strong support for Canada to meet its WTO obligations.

Important questions were raised in the committee in the other place, as well as in the consultations, as to whether the changes would result in increased imports of grain from the United States and whether this would impact on the volume of Canadian grain moving to export during peak periods. Would it create undue congestion and in some way disadvantage Canadian grain growers? It is clear that the changes proposed to the Canada Grain Act will not result in increased imports. The situation is



somewhat less clear for the change to the revenue cap in the Transportation Act. However, on balance, the potential for increased imports is not expected to be significant, at least in the short term.

There is potential for U.S. grain to be diverted here to take advantage of lower freight rates which could add to congestion during peak periods. However, grain companies and railways have the flexibility to use commercial pricing to adjust to this if congestion warrants it. This commercial pricing operates within a free market model and therefore would not be in contravention of WTO rulings.

As there is some question about this change in the longer term, stakeholders expressed the need to review the Canada Grain Act and the bill and, as a result, the bill was amended in committee in the other place to provide for such a review. That review is provided to be undertaken within a year from the passage of this bill.

It has been some time since the Canada Grain Act was amended, so the Minister of Agriculture and Agri-Food believes such a review is appropriate and supports its inclusion in the bill before us today.

In closing, I urge honourable senators to support this bill, especially given the urgency that it should be in force in time for the August 1 deadline.

Canada's commitment to meeting our trade obligations will ensure that we can continue to lead by example. Not only does Bill C-40 illustrate Canada's commitment to meeting these obligations, it also holds Canada up as an example for other nations to follow.

Our quick and responsible response to the ruling has, I believe, farther reaching implications for our relations with the United States in particular. At a time when there has been some debate about whether Canada is a good neighbour to the U.S., this is further evidence that in fact we are.

Bill C-40 ensures that our world-class grain quality system continues to support Canada's \$10-billion grain industry, an industry that has succeeded on the basis of offering consistent and uniform quality on world markets load after load, year after year. It is the envy of other producers around the world.

In some sense, the changes are secondary to the breakthrough feature of the ruling, which vindicates the operation of the Canadian Wheat Board under GATT. That is extremely important. When it comes to the grain handling and grain transportation aspects of the ruling, we have little reasonable alternative but to implement the changes due to our WTO obligations and the spectre of U.S. retaliation. At the same time, the changes will have been implemented with extensive consultation and with the broad agreement of the industry.

• (1950)

In addition, these changes will result in minimal disruption, no increase in red tape to speak of, and will be the subject of a review within a year. This bill is certainly worthy of our support in the Senate, and I would urge my colleagues to do just that.

[ Senator Mitchell ]

[Translation]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, I want to speak today to Bill C-40, to amend the Canada Grain Act and the Canada Transportation Act.

[English]

Bill C-40 amends the Canada Grain Act and the Canada Transportation Act to make minor adjustments to Canada's system for handling and transporting foreign grain and grain products in Canada. These measures reflect a recent decision made by the World Trade Organization dispute settlement body.

The amendments to the Canada Grain Act, the CGA, as outlined in Bill C-40, removes the requirement that authorization must be sought from the Canadian Grain Commission, the CGC, before foreign grain can enter licensed grain elevators. Bill C-40 amends the CGA and the Canada grain regulations to remove requirements that operators of licensed terminals or transfer elevators must seek CGC permission to mix grain.

Also of note, according to government background documents that have accompanied the release of Bill C-40, in place of the previous provisions dealing with foreign and mixed grain, a regulation will be introduced requiring elevator operators to report to the CGC the origin of all grain. If they mix Canadian and foreign grain, that grain will be required to be identified as mixed. According to the government, this regulation is meant to ensure that Canadian grain is not misrepresented.

Also related to the substance of this legislation, Bill C-40 amends the Canada Transportation Act, the CTA, so that the railway revenue cap will be extended to imported grain. I believe CPR expressed concerns about that.

As mentioned, the changes contemplated in Bill C-40 are a response to a decision made by the WTO dispute settlement body on a dispute between Canada and the United States. Back in March 31, 2003, the American government requested that the WTO examine the consistency of certain activities of the Canadian Wheat Board and other Canadian policies affecting the importation of grain for their adherence to WTO rules. Although the WTO subsequently ruled in favour of Canada on the CWB issue, it ruled for the United States on some aspects of Canada's policies related to the handling and transportation of foreign grain and grain products in Canada.

In response to these rulings, on November 12, 2004, Canada and the U.S. reached an agreement to implement the WTO's decision on grain sector policy issues.

The Conservative Party of Canada supports Canada's adherence to our WTO obligations and maintaining strong multilateral and bilateral trade relations with other countries of the world and the United States. In this regard, the Conservative Party is supportive of the general thrust of Bill C-40. We also understand that there is an issue with respect to the fact that the deadline for Canada to bring itself into compliance with the WTO ruling and the agreement with the United States is August 1, 2005. According to the government:

...if Canada does not implement these changes by August 1, 2005, Canada would risk the imposition of retaliatory measures by the U.S. This retaliation would likely take the form of punitive tariffs on Canadian exports to the U.S., although it's difficult to say what value of trade would be affected.

In this regard, the matter of a possible impending election must be considered. What must be remembered, however, is that the chances and risk of retaliatory measures by the U.S. is a constant hazard, regardless of any domestic political events in Canada. As pointed out in the Library of Parliament legislative summary for Bill C-40:

...the CWB alone has faced 13 investigations or studies by various arms of the U.S. government. Perhaps more importantly, it appears that the incidence of non-compliance with similar WTO decisions is rising over time. The European Union ambassador to the WTO, Mr. Carlo Trojan, has observed that "the United States has a quite depressing record when it comes to obeying WTO rulings."

It has to be stated that should Canada not comply with the WTO decision within the timeline established at the November agreement, it will not be alone in the league of non-complying countries.

However, with Bill C-40, there is no excuse for Canada to be in this position. After all, when we speak of the tight timeline we are facing, it should be pointed out that it took this government four months from the date of the Canada-U.S. agreement to introduce this legislation which implements the agreement. It is not like this is a very long piece of legislation. After all, Bill C-40 consists of a mere four clauses. This bill is just a few pages long, including the summary and explanatory notes.

Honourable senators, we are in a minority government situation and Paul Martin is well aware that his government could fall at any time, killing all legislation on the Order Paper. He also knows that Parliament rises at the end of June and, as I said earlier, the changes in this bill must be in place by August 1. Why, despite the fact that we are facing an impending election, would it take so long to get this process started? If the bill had progressed through the normal process in the House of Commons, it would have gone through committee hearings and, with given the normal process here, we would not have finished this bill until the end of this month or early June. This is a cliff-hanger situation, even without the fear of the government falling. I really question why.

[Translation]

However, the fact remains that the machinery of government could have moved slightly faster than it did in order to avoid this legislative suspense.

Honourable senators, it is essential that, for every piece of legislation brought before us, we take the time needed to examine it carefully and with due diligence. The legislative process should not be an afterthought.

[English]

I would like to applaud the efforts of the Honourable Conservative Member of Parliament from Haldimand—Norfolk in pushing her amendment through, which will reinforce parliamentary oversight of the legislation. A review of the act with a report to both Houses of Parliament now will be required within a year after this section has come into effect.

The Conservative Party supports Bill C-40, but with the admonishment to this Liberal government to recognize that it should not be playing politics with a bill that has looming deadlines, especially when this government has lost or is in danger of losing the support of Parliament.

**The Hon. the Speaker:** It was moved by the Honourable Senator Mitchell, seconded by the Honourable Senator Downe, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

On motion of Senator Mitchell, bill referred to Standing Senate Committee on Agriculture and Forestry.

• (2000)

[Translation]

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### THIRD REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, seconded by the Honourable Senator Robichaud, P.C., for the adoption of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament, (Conflict of Interest Code for Senators) tabled in the Senate on May 11, 2005.—  
(Hon. Senator Robichaud, P.C.)

**Hon. Fernand Robichaud:** Honourable senators, last week when I moved that the continuation of the debate be deferred, I was acting on a suggestion by the leadership of the government party and the opposition. Their intention was to ensure that honourable senators had a few days available to them in order to examine the document before speaking this week, if that was their intention.

If I were to speak today, honourable senators, I would speak along the same lines as the committee chair and vice-chair. If it were up to me alone, I would be prepared to vote on this matter immediately. I do, however, believe that some senators would like to have an opportunity to speak, and I encourage them to do so.



[English]

**Hon. Marcel Prud'homme:** Honourable senators, I do not wish to speak to the report but I have a question of definition. The word "family" is well defined in the proposed code, but the word "guest" is not defined. That is my sole concern, without debate. It is important because the matter concerns travel. The word "guest" is used, and I would like to have its definition included in the code. I read the English and French versions of the proposed code last night and found a few small discrepancies. Without a definition of "guest", an honourable member could have difficulty when registering with a guest. Perhaps each person has to register. I would like to know how to proceed.

Senator Joyal will make a great speech on this. He has a good legal mind and perhaps he will provide an answer to this.

**Hon. Serge Joyal:** Honourable senators, I am preparing my notes at the invitation of Senator Robichaud, and I have taken the point raised by Senator Prud'homme. I would like to speak to the report of the Rules Committee tomorrow, when the Senate resumes its sitting. I have reviewed the 26 meetings of the committee, all of which I attended, and in the 15 minutes that will be allotted to me I will share with the house why I support the report.

On motion of Senator Joyal, debate adjourned.

## WORLD HEALTH ORGANIZATION

### MOTION IN SUPPORT OF GOVERNMENT OF TAIWAN REQUEST FOR OBSERVER STATUS— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stratton:

That the Senate call on the Government of Canada to support the request of the Government of Taiwan to obtain observer status at the World Health Organization.  
—(Honourable Senator Downe)

**Hon. Percy Downe:** Honourable senators, I rise to give my support to the request of the Government of Taiwan to obtain observer status at the World Health Organization. The World Health Organization is an agency of the United Nations that was created in 1948 with Canada as a founding member. The request from Taiwan has been a matter of debate for many years. On the one hand, it can rightly be seen as a matter of human rights but, on the other hand, the political dimension cannot be ignored. As many honourable senators have done in the past, I call the attention of honourable senators to the preamble of the WHO constitution, which states:

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

Clearly, this highlights the emphasis of health and human rights over the political issue that drives the opposition to Taiwan. In today's globalized world, health is a concern for all people around the world. Diseases do not follow state borders and cannot be confined within them. This reality was seen during the outbreak of SARS and its rapid spread across the world. It is in times such as the SARS outbreak that the need for information sharing and cooperation is highlighted. Taiwan required the assistance of the WHO during this crisis but was unable to receive the full support needed because it was not a member or observer of the WHO. While opposition continues from China, there are precedents in the organization of participants receiving such status. Currently, there are five entities that have observer status in the WHO.

Another important point made by Senator Di Nino in the past is the contribution Taiwan would make to the World Health Organization. Taiwan has a well-established and advanced health system that would provide information and knowledge to the international organization and its members. Rejecting the participation of Taiwan in the WHO puts its population of 23 million at risk, including all the Taiwanese who visit Canada and other parts of the world. There is no reason to take such a risk.

Canada has supported Taiwan's request in the past, as have other countries and organizations such as the United States, Japan and the European Union. On May 27, 2003, the House of Commons passed a resolution in support of the Government of Taiwan's request. On June 12, 2003, this chamber unanimously passed a similar resolution. I speak this evening in the hope that the Senate can once again give support to Taiwan's request for observer status at the WHO.

On motion of Senator Rompkey, debate adjourned.

• (2010)

## PROVINCE OF ALBERTA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the Province of Alberta and the role it plays in Canada.  
—(Honourable Senator Prud'homme, P.C.)

**Hon. Shirley Maheu:** Honourable senators, I rise to participate in this inquiry — I might say that I was not expecting to do this — in response to a very fine maiden speech of our distinguished new colleague, the Honourable Senator Grant Mitchell.

**Hon. Marcel Prud'homme:** As senators may have noticed, I am more than delighted to give the floor to Senator Maheu, but I point out that this item stands in my name. I had intended to stand this inquiry today, but, as an act of courtesy, of course Senator Maheu may speak. I will take the adjournment when she has completed her comments.

[Translation]

**Senator Maheu:** Honourable senators, among the subjects broached by Senator Mitchell, three in particular have incited me to speak. They are the attitude of Quebecers and Albertans toward the Canadian reality, Senate reform and the importance of the Canadian Charter of Rights and Freedoms in the face of that reality.

[English]

I would like to echo Senator Mitchell's comments about the major contribution that Quebec and Quebecers make to our national uniqueness. I thank him for these comments. He reminds us that the Quebec fact promotes positive differences between ourselves and our culturally aggressive southern neighbour, while at the same time the Quebec reality never ceases to enrich our own collective experience.

Senator Mitchell applauds the way in which we Canadians have, in his words, blended minority and collective rights, the way that we have elevated culture and multiculturalism, the way that we are decent and dignified, and the way we have created a judiciary premised upon fairness and justice.

I note in particular his reference to the so-called alienation among a few Canadians toward the Charter of Rights and Freedoms, about which I want to speak especially. I hope that such alienation is of a passing nature. The Charter is still young and human rights continue to evolve at too much of a whirlwind pace for some.

Much of the alienation is generational based. There are, I believe, some remedies to this alienation. The current Chief Justice of Canada declared in 1994 that the passage of Canada's Charter of Rights and Freedoms was the equivalent of a revolution on a scale of the introduction of the metric system, the great medical discoveries of Louis Pasteur, and the invention of penicillin and the laser.

Prior to the Charter's adoption, the courts had the benefit of the Diefenbaker Bill of Rights. We should not forget that this was a noble development and that its text suggested the possibilities of practical and far-reaching consequences.

Unfortunately, the enlightened changes expected were not to be implemented so quickly. During the post-Diefenbaker period, the Supreme Court of Canada was dominated by judicial conservatives, and there were no details in the document itself to save the high purposes of this noble effort from being distilled by these reactionary elements of our top court.

In giving us the Charter, Prime Minister Trudeau successfully remedied the deficiencies of the Diefenbaker document with seven pages of fine print that have forced our senior judges since 1982 to focus more broadly on the great human rights controversies of the day. Of course, this broad focus has enabled the opponents of the evolution of human rights law pour derision on the Charter. Some of this has come from Alberta, but by no means exclusively from there. As I have said optimistically before in this chamber, the thrust of reactionary elements from an ever-dwindling minority will continue to lead to the impotence of these reactionary interests as we move forward to embrace the natural expansion of human rights.

[Translation]

Today, Canadians have great respect for the Charter. It is recognized not only as a symbol, but also as a document of great practical importance. In fact, the Charter is the cornerstone of our national unity. Its message extends to Alberta, Quebec and all of Canada. It is truly an essential force that unites us from coast to coast.

[English]

Honourable senators, it says to Canadians that rights are rights are rights. It affirms that not a single Canadian is expected to sit at the back of the bus. To even think of using the notwithstanding clause in a human rights context is indeed an awesome, unwelcome and destructive challenge to our overarching pan-Canadianism.

Still, as Senator Mitchell has mentioned, some Canadians regard the Charter as a thorn of alienation and are eager to claw away at its unifying influence. I have said before in this chamber that our Canadian Constitution, and in particular our Charter, is a living, breathing and evolving document, but at the same time, there are several realities that challenge the ultimate effectiveness of the Charter.

Alienation toward the Charter cuts two ways. On the one hand, there are those in a variety of positions of authority who are incapable of fully embracing the sense of broadly based rights. On the other hand, there is an uneven distribution of the resources that can effectively implement the promises that Charter decisions make. On both hands, these shortcomings stem from geological, religious, generational, as well as cultural realities and notions. The blending of minority and collective rights is a never-ending work-in-progress.

Senator Mitchell appropriately reaffirms that negative views of Albertans on Charter issues are not monolithic. Every corner of this nation holds socially progressive pan-Canadian views and Quebecers take a back seat to no one in the socially progressive theatre.

• (2020)

For effective access to the Charter's promise, there are three essential elements that must be present. The first element is organized group support for Charter litigants. That means that such group support must be active, in all parts of Alberta and everywhere else, to challenge Charter-motivated grumbling and blocking. The second element is the financing necessary for Charter appeals by individuals that are not supported by groups; and the third element is the urgent need for the structural renewal of the legal profession to enable Canadians everywhere to enjoy the promise of the Charter. These three elements are the new frontier of the application and expansion of human rights in Canada.

[Translation]

Obviously, those who repeatedly pursue Charter remedies to resolve their disputes seem to have greater success.



[English]

When poor litigants pursue Charter remedies, they do not fare well because challenges are costly, requiring expensive legal representation, and are very time-consuming. The extent of diversity in the legal profession, particularly in the larger law firms, seems to dictate the degree to which Charter cases are moved forward, particularly when women's or multicultural issues are at stake.

Women promote women's issues. Visible and other minority individuals as legal practitioners promote multiculturalism and a wide range of cultural interests. Here, Senator Mitchell's comment about the blending of minority and collective rights is particularly appropriate.

It seems to be a law of nature that renewal occurs when there is a critical mass that seeks change. Most likely, a critical mass of 30 per cent is the launching pad for meaningful renewal. Senator Mitchell refers to a favourite preoccupation of Alberta's, what I will call "chattering classes" — the issue of Senate reform.

As an aside, I would suggest to our new Senate colleagues that change and renewal in this chamber has flowed from the attainment of a more than 30 per cent presence of women, which occurred in the last 12 years, and for which we can thank Prime Minister Chrétien. As well, Prime Minister Martin has already shown his interest in continuing in this direction.

The greatest Senate reform ever was not the capping of Senate terms at the age of 75 but, rather, the creation of a critical mass of women here. This is major Senate reform happening here and now. We are living this reform.

On this issue, what can be said about municipalities in Alberta, in Quebec and elsewhere, where only 10 per cent of the mayors are women? What about our diplomatic corps, where only about 17 per cent of our ambassadors abroad are women? What about our senior civil service, where fewer than 25 per cent of the deputy ministers at the national level are women and fewer than 19 per cent of the federally nominated judges are women? What about the number of women elected to the House of Commons never exceeding 20 per cent? What about the equally dismal record of women's representation in our provincial legislatures? The Senate is the very last place in our nation to which any finger should be pointed by anyone when discussing the reform of political institutions in Canada.

Let the government and the people of Alberta, as well as every other province, provide a more welcoming climate for women as legislators, mayors and senior bureaucrats. The Senate of Canada is the leader in Canada when it comes to the rights of women and the broad promise of the Charter of Rights and Freedoms.

Of course, Charter decisions make changes only on paper; it is people that make changes in practice. The absence of a critical mass dedicated to the implementation of change simply means that Charter decisions are dispatched as hollow victories to the realm of never-never land.

Without active women's associations, without active financing for legal challenges and without the presence of women in the local legal firms, the promise of the Charter is all too often an

empty one. Uneven access to the application of Charter laws promotes Charter alienation. Canadians in small-town Alberta and other small communities everywhere cannot embrace the promise of the Charter under these circumstances.

Honourable senators, the Charter must have fuel to function. The fuel will come from the proliferation of Charter-oriented interest groups, from well-funded court challenging programs and from reconstructed law firms. I am confident that the Charter will continue to be a major instrument to pull together the disparate elements of our nation.

**Senator Prud'homme:** Honourable senators, Senator Mitchell should know, and they should know in Alberta, how strongly I feel as a French Canadian from Quebec. I want to make a good speech and, as such, would ask for the adjournment of the debate.

On motion of Senator Prud'homme, debate adjourned.

## OFFICIAL LANGUAGES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE WITHDRAWN

**Hon. Eymard G. Corbin,** pursuant to notice of May 10, 2005, moved:

That the Standing Senate Committee on Official Languages be empowered to meet on Monday, May 16, 2005, from 9:30 a.m. to 5:30 p.m., to consider a draft report.

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, as this has now been overtaken by events, I would move that it be stricken from the Order Paper.

**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

Motion withdrawn.

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### COMMITTEE AUTHORIZED TO MEET

**Hon. Tommy Banks,** pursuant to notice of May 12, 2005, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be instructed to meet at 9:00 a.m. on Tuesday, May 17, 2005 for the purpose of clause-by-clause study of Bill C-15.

Motion agreed to.

The Senate adjourned until Tuesday, May 17, 2005, at 2 p.m.

# CONTENTS

Monday, May 16, 2005

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Public Safety and Emergency Preparedness</b>	
<b>International Policy Statement</b>		Halifax Port Authority—	
Hon. Jack Austin .....	1259	Cutback in Number of Patrolling Police Officers.	
<b>The Honourable Wilbert J. Keon</b>		Question by Senator Kinsella.	
Recognition of Achievements.		Hon. Bill Rompkey (Delayed Answer) .....	1263
Hon. Donald H. Oliver .....	1259		
<hr/>		<b>Fisheries and Oceans</b>	
<b>ROUTINE PROCEEDINGS</b>		Foreign Fishing—Comments by Prime Minister.	
<b>Aeronautics Act (Bill S-33)</b>		Question by Senator Comeau.	
Bill to Amend—First Reading.		Hon. Bill Rompkey (Delayed Answer) .....	1264
Hon. Bill Rompkey .....	1260		
<b>Department of Justice Act</b>		<hr/>	
<b>Supreme Court Act (Bill S-34)</b>		<b>ORDERS OF THE DAY</b>	
Bill to Amend—First Reading.		<b>Criminal Code (Bill C-10)</b>	
Hon. Anne C. Cools .....	1260	Bill to Amend—Third Reading.	
<b>Legal and Constitutional Affairs</b>		Hon. Catherine S. Callbeck .....	1265
Notice of Motion to Authorize Committee to Study		Hon. A. Raynell Andreychuk .....	1265
Criminal Code as it Relates to Issues of Mental Health.			
Hon. Lise Bacon .....	1260	<b>Business of the Senate</b>	
Committee Authorized to Meet During Sitting of the Senate.		Hon. Bill Rompkey .....	1266
Hon. Lise Bacon .....	1260		
Hon. Terry Stratton .....	1260	<b>Criminal Code</b>	
Hon. Marcel Prud'homme .....	1260	<b>DNA Identification Act</b>	
<b>Influence of Culture</b>		<b>National Defence Act (Bill C-13)</b>	
Notice of Inquiry.		Bill to Amend—Second Reading.	
Hon. Viola Leger .....	1260	Hon. Landon Pearson .....	1266
<hr/>		Hon. Noël A. Kinsella .....	1269
<b>QUESTION PERIOD</b>		Referred to Committee .....	1271
<b>Finance</b>		<b>Highway 30 Completion Bridges Bill (Bill S-31)</b>	
Budget 2005—Funds for Infrastructure Program.		Second Reading—Debate Adjourned.	
Hon. Donald H. Oliver .....	1261	Hon. Pierre De Bané .....	1271
Hon. Jack Austin .....	1261		
<b>Health</b>		<b>Canada Grain Act</b>	
Violations by Provinces of Canada Health Act.		<b>Canada Transportation Act (Bill C-40)</b>	
Hon. Marjory LeBreton .....	1261	Bill to Amend—Second Reading.	
Hon. Jack Austin .....	1261	Hon. Grant Mitchell .....	1272
<b>Foreign Affairs</b>		Hon. Terry Stratton .....	1274
Sudan—Response to Situation in Darfur—Arrangement Between		Referred to Committee .....	1275
Government and Member of Parliament		<b>Rules, Procedures and the Rights of Parliament</b>	
for Edmonton—Mill Woods—Beaumont.		Third Report of Committee—Debate Continued.	
Hon. Gerry St. Germain .....	1261	Hon. Fernand Robichaud .....	1275
Hon. Jack Austin .....	1261	Hon. Marcel Prud'homme .....	1276
Hon. Marcel Prud'homme .....	1263	Hon. Serge Joyal .....	1276
<b>Justice</b>		<b>World Health Organization</b>	
Same-sex Marriage Bill—Support of Vatican.		Motion in Support of Government of Taiwan Request	
Hon. Noël A. Kinsella .....	1263	for Observer Status—Debate Continued.	
Hon. Jack Austin .....	1263	Hon. Percy Downe .....	1276
<b>Delayed Answers to Oral Questions</b>		<b>Province of Alberta</b>	
Hon. Bill Rompkey .....	1263	Inquiry—Debate Continued.	
		Hon. Shirley Maheu .....	1276
		Hon. Marcel Prud'homme .....	1276
		<b>Official Languages</b>	
		Notice of Motion to Authorize Committee	
		to Meet During Adjournment of the Senate Withdrawn.	
		Hon. Eymard G. Corbin .....	1278
		Hon. Bill Rompkey .....	1278
		<b>Energy, the Environment and Natural Resources</b>	
		Committee Authorized to Meet.	
		Hon. Tommy Banks .....	1278





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